
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District July 28, 2009

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on July 28, 2009 at 3:00 p.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
- Mike Budd
- George Gregory
- Heather McInerny (By Telephone)

Also in attendance were:

- Mary Cotton
- Ben Gerdes, Eagle County Engineering Department
- Ken Berg, Singletree Beautification Committee
- 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 July 28, 2009, at 3:00 p.m. noting a quorum was present.

Minutes By motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the June 23, 2009 Regular Meeting as revised.

**Changes to the
Agenda**

Director Dewton added the landscaping project easements to the agenda.

**Public
Input**

Mary Cotton, who lives on Winslow Road across from the soccer field, experiences significant turn-around traffic and parking in front of her house. Ms. Cotton requested that the District make improvements to both sides of Winslow Road during the landscaping improvement process to discourage cars from parking on the road. The Board informed Ms. Cotton that landscaping for both sides of Winslow Road is included in the landscape plans.

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Mrs. Cotton left the meeting.

Road

Easements

In 2008 the District signed a Memorandum Of Understanding (MOU) with Eagle County granting easements for the I-70 interchange improvements in exchange for the County providing conduit for future electrical lines, sleeving for irrigation pipes, redesigning the stream flows, terracing retaining walls, relocating landscaping, and extending the sidewalk near the traffic circle. Mr. Gerdes estimated the value of the easement at \$1.2 million, which is the value for the entire lot. Mr. Gerdes, senior project engineer with Eagle County Engineering Department, was present to display capital improvement plans to the Board and answer any questions.

The Board and Mr. Berg reviewed the plans for the entrance improvements. A culvert will be placed under the road leaving the stream basically open. Trees at the entrance will be transplanted in the easement in front of the first property on Berry Creek Road to screen the house from the road in exchange for the property owner providing certain right-of-way areas for the project.

The next step is formal approval execution of documents granting the easements. Mr. Gerdes will bring the final grading plans and the documents for the Board's approval to the August meeting.

County

Landscaping

Agreements

The County is requiring a Public Improvements Agreement for the District to construct the landscaping improvements in the County right of way. The Board offered input on the agreement to Mr. Gerdes and he will provide the final Agreement to the County Commissioners for their approval at a regularly scheduled meeting. Mr. Berg requested a walk through with Eagle County Road and Bridge employees to discuss the landscaping plans.

By motion duly made and seconded it was unanimously

RESOLVED to authorize Director Gregory to execute the Public Improvements Agreements and Encroachment Easement Agreement for the first phase of the landscape improvements.

Landscaping

Project

The Board reviewed the bids received on the first phase of the landscaping project. Bids were received from six contractors and the low bidder was Valley Crest from Glenwood Springs. The bids came in higher than expected and to bring the project closer in line with the budget the Committee agreed to eliminate

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certain items. Plantings have changed from white spruce to blue spruce and trees will be planted at a consistent ten foot height in lieu of the ten and twelve foot heights originally proposed.

The Beautification Committee requested the District increase the budget for Phase I by an amount not to exceed \$30,000 for the project. Director Gregory questioned how the contractor will react to reducing the scope of work. Mr. Berg explained that most of the items eliminated are sublet and he does not believe it will affect the other items in the bid.

By motion duly made and seconded, it was unanimously

RESOLVED to allocate an additional \$30,000 (to be taken from the savings on the I-70 wildlife fence) for first phase of the beautification project and to authorize Mr. Berg to negotiate with Valley Crest to remove specific items to stay within this budget.

FURTHER RESOLVED to authorize to award the landscape contract to Valley Crest upon completion of the changes discussed.

Community Center Reports

Ms. Jacobs stated Jackie Anthony and other property owners have requested the District increase the level of maintenance at the Charolais Circle Park. The increased maintenance would require the District to increase the budget for the maintenance of that specific park.

The Board noted that since the District is spending more than budgeted for the Charolais Circle Park already, residents could volunteer to assist in the maintenance of the park or create a special improvement district to fund additional maintenance. The Board believes the maintenance at Charolais Circle Park is consistent with maintenance in other parks in Singletree.

Improvements

To Knob Hill With few volunteers attending to make improvements to the Knob Hill trail, not much work was completed. Director Gregory will work on getting a group together to complete the trail to access BLM land.

Financial Report

The June 30, 2009 Financial Statements were included in the Board packet. Director Budd questioned the property taxes receivable and Mr. Marchetti explained that most of those taxes were collected by the County Assessor in June and paid to the District in July and will be reflected on the July financials. Ms.

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Curtis verified the construction retainage is being held in an interest bearing account. By motion duly made and seconded it was unanimously

RESOLVED to accept the June 30, 2009 financial statements as presented.

Accounts Payable

The Board reviewed the July 2009 accounts payable lists. Director Gregory questioned the invoice by the Sonnenalp Golf Club (SGC). It was clarified that the SGC maintains several parks in Singletree and not just Chip Ramsey Park. By motion duly made and seconded it was unanimously

RESOLVED to approve the July 2009 accounts payable list as presented.

Singletree Real Estate Sales

The Board reviewed the real estate sales information provided and Mr. Marchetti indicated the information will be updated periodically to monitor the potential impact on future property tax collections.

SPOA

The Annual Party is scheduled for August 22, 2009. The Association Board is looking at ways to decrease spending and they are discussing increasing assessments.

Director Budd questioned who is paying the cost of the newsletter printing. Director Cohen suggested posting items on the web-site with SPOA continuing to produce a quarterly newsletter. Director Budd requested the newsletter remain consistent with prior quality and contents. It was agreed the newsletter expenses are the responsibility of SPOA.

Other Business

The Board expressed their thanks to Robertson & Marchetti, P.C. for the quality of work provided.

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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 28th day of July, 2009.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting