
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District September 22, 2009

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on September 22, 2009 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
- Mike Budd
- George Gregory
- Heather McInerny

Also in attendance were:

- Diane Levine, SPOA
- Ben Gerdes, Eagle County Engineering Department
- 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 Dewton, on September 22, 2009, at 9:00 a.m. noting a quorum was present.

ROW Agreement

Ben Gerdes presented the Right of Way agreement for the I-70 interchange project. The Board agreed with the County's value of the land being provided by the District for the easement at \$1.2 million for the entire lot. Mr. Gerdes questioned whether the District wanted to maintain the mineral rights on the property. After discussion and upon motion duly made and seconded it was unanimously

RESOLVED to approve the Right-Of-Way agreement with a revision allowing the District to keep the mineral rights, and upon final review by the District's attorney.

Minutes

The Board reviewed the minutes from the July 28, 2009 and August 25, 2009 Regular meetings. By motion duly made and seconded it was unanimously

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RESOLVED to approve the minutes of the July 28, 2009 Regular Meeting as revised. The Board further

RESOLVED to approve the minutes of the August 25, 2009 Regular Meeting as revised.

Changes to the

Agenda Director McInerny added the Knob Hill Trail to the agenda and Director Dewton added the Miller Ranch Field House.

Miller Ranch

Field House Director Dewton stated she has received several complaints from Singletree residents on the white reflective roof at the Freedom Park Field House. The Board questioned the process for approval of the Field House and noted the lack of notice and community input. Director Gregory questioned the adequacy of the members of the Design Review Board for the Edwards area for having approved the design of the Field House. A message will be sent to County Commissioners stating this Board went on record expressing their dissatisfaction with the design for the Freedom Park Field House and the Board questioned the process for approval of the design. It was noted that the Partnership for Education should have been involved in the approval process since the building is located in the Berry Creek 5th Filing. Director Gregory agreed to draft a joint letter from the District and the Singletree Property Owners Association stating constituent's dissatisfaction with the design of the Field House and that WECMRD was not held to same standards as Colorado Mountain College, the School District, and the Edwards area.

It was agreed the letter should be sent to Keith Montag, Eagle County Administrator; Robert Narracci, Eagle County Planning Manager; the WECMRD Board of Directors; the Eagle County Planning Commission; and the Eagle County Commissioners with the following Board concerns:

- The initial process for pre-approval
- The participation of the design review board, if any
- The design review process for any future buildings
- The ability to meet in a work session or board meeting to discuss the process

Traffic

Concerns Mary Jo Froberg and Julie Wolfe had planned to attend the Board meeting to request a speed bump for June Creek Road due to an accident involving an automobile and a dog. Director Cohen suggested the Board form a safety committee to address the concerns of the community. Director Dewton, although

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agreeing with homeowner concerns, believes Eagle County is not responsive to the community requests and residents are dissatisfied with the resolutions, such as speed bumps. Director Budd stated SPOA has been proactive by requesting increased sheriff patrols.

Director Cohen suggested Ms. Jacobs obtain a monthly report on sheriff patrols and tickets written. Bullet points on safety can be communicated to community members along with refrigerator magnets that will provide the Sheriff Department phone numbers. Mr. Carlson suggested purchasing a portable speed limit sign that could be placed in problem areas. It was agreed to get more and repetitive communication to community members about safety. Director Gregory suggested obtaining removable small signage to be placed on the roads to encourage drivers to slow down in Singletree. The Board directed Ms. Jacobs to research the costs of the signs and to request approval from Eagle County to install the signs.

Community Reports

Ms. Jacobs provided a contract for ongoing maintenance of the exercise equipment from Maximum Comfort and recommended the Board execute the contract. Director Budd expressed concerns with maintenance contracts and the Board noted items on the proposal that needed to be corrected, including:

- Not all equipment was listed in the proposal
- Tax was being charged
- Maximum Comfort had the ability to increase rates without notice

The Board suggested asking Mr. Carlson to maintain the equipment and if he is not comfortable then the Board will sign the contract with the above items corrected.

Ms. Jacobs received a request from residents to plant Cottonwoods in the June Creek gulley. It was agreed the Beautification Committee should address the request.

The Board noted that District ponds are possibly not safe due to wildlife and other animals frequenting the community ponds. Residents should be aware that all ponds are “enter at your own risk”.

Mr. Carlson requested a small shed to store District items. The Board discussed expanding the existing building at Chip Ramsey Park to allow storage. The Board will need Mr. Carlson to provide the storage area needed.

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Mr. Jacobs provided information on exercise classes including income and expenses. Director Budd requested exact usage of classes by residents and suggested a sign-in for the exercise room to determine usage.

Knob Hill Director McInerny reported progress is being made with two-thirds of the trail completed. Don Dressler has scheduled October 5 through 7 to complete the trail and has requested Community volunteers.

Landscaping Project Valley Crest was late starting the landscaping project. The boulders will be placed this week. Director Gregory reported on progress of the project. Director Budd suggested having a weekly meeting to monitor progress.

Underpass Project Concrete Works addressed warranty issues and will be requesting payment for an additional work order.

Financial Report Mr. Marchetti, Mr. Carlson, and Ms. Curtis are in the process of obtaining bids for the 2010 budget. The Board agreed to hold a budget work session on October 13 at 11:00 a.m. Director Budd suggested the Board obtain the amount budgeted by the County for landscaping on Lot 97 and Mr. Marchetti will work with Eagle County to determine the amount budgeted for landscaping during the I-70 interchange project.

The August 31, 2009 Financial Statements were included in the Board packet. Director Budd questioned value of easement on the Balance sheet and Robertson & Marchetti, P.C. will break out the value. By motion duly made and seconded it was unanimously

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

Accounts Payable The Board reviewed the September 2009 accounts payable lists. By motion duly made and seconded it was unanimously

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

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UERWA Construction is scheduled to begin the first week in October to install the line under I-70 at the Edwards Spur Road. A contract was awarded to BTC for \$471,310. Completion of the project is scheduled for November.

Director Dewton reported historically there are four dust storms a year. In 2008-2009 there were eleven dust storms which accelerated snow melt. It was reported the dust storms are the result of off-road vehicles, military training in the desert, energy production, and seasonal crop lands that have been tilled.

The Authority has several capital projects that are needed but the source of revenue is in question. The Authorities revenues are down in 2009.

SPOA Misha Moritz resigned and there were two candidates who applied for the Board. Pat Horvath was voted in to replace Mr. Moritz. Covenant enforcement issues are still the largest SPOA issue. The Benda case was settled and attorney fees were reimbursed. The Morgan case was settled on the deck built in the set-back and owners were given until October 1, 2009 by the Judge to bring a design to DRC for approval and complete construction. If the deck is not completed by October 2, 2009 a petition for contempt of court will be filed.

There have been questions about the covenant enforcement process and Director Budd explained the process is to obtain a written formal complaint before the committee can proceed with enforcement.

**Edwards
Community
Authority**

Mr. Gerdes reported at the last meeting that the I-70 interchange project is on schedule.

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 September, 2009.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting