
RECORD OF PROCEEDINGS

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

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

Also in attendance were:

- Jerry Nichols, Property Owner
- 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 December 22, 2009, at 9:00 a.m. noting a quorum was present.

Minutes The Board reviewed the minutes from the November 24, 2009 Regular meeting. By motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the November 24, 2009 Regular Meeting as revised.

Changes to the Agenda

There were no changes to the agenda.

Public Input A minor came before the Board and apologized for driving on District property. It was agreed the minor will help reseeded the damaged area in the spring of 2010.

Ms. Jacobs asked the Board if they were interested in making improvements to the area on Stetson Drive to prevent automobiles from driving on the District property, since this is not the first time a person has driven on the property. The

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Board agreed to make a recommendation to the Beautification Committee regarding the unwanted access from Stetson Road onto District property.

Community Reports

Kelsie Campbell, the exercise instructor, is leaving the area and a replacement instructor is needed to continue offering the classes. Ms. Jacobs reported Finis Boni is interested in managing the exercise programs at the Community Center. The Board discussed while there is a need to provide programs for residents, they are not interested in turning the Community Center into a commercial facility. The Board directed Ms. Jacobs to attempt to find a replacement instructor. If a replacement instructor is not found, the classes provided by Ms. Campbell will be discontinued.

Director Budd stated SPOA is interested in promoting the Community Center and adding items to make the Center more user friendly for business meetings.

Ms. Jacobs presented an idea for the Community Center sign. Discussion followed regarding mounting the sign on a moss rock base closer to the Berry Creek Road to make it more visible. Plantings would be placed around the base. Director Gregory estimates the cost of the sign at approximately \$5,000. Director Gregory will work with John Perkins on the sign design and report back to the Board.

The Board discussed the email problems between Ms. Jacobs and Director Budd. There is a concern that residents could have problems receiving emails. Director Cohen will work with Ms. Jacobs to resolve the problem.

Director Cohen reported "Stay on the Trail" signs have been destroyed on the Mesquite trail. The signs will be replaced by the District.

Legal Engagement Letter

The 2010 Porzak Browning and Bushong Engagement Letter was presented to the Board for approval. By motion duly made and seconded it was unanimously

RESOLVED to approve executing the engagement letter with Porzak Browning and Bushong.

Landscape Project

Director Gregory stated the concrete pan was inadequately ground down by Valley Crest Landscaping and he anticipates problems with the concrete in the spring of 2010. Director Gregory requested permission to work with Lee Lechner

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to provide surveying and Scott Sones to provide architectural services on the Beautification plans for Phase II.

The check for the payment application on the Phase I construction has been sent to Valley Crest. The retainage will be held until the spring of 2010 to ensure the irrigation system is working property. It was noted the construction was started later than the contract date, which prevented the irrigation system being checked at the end of the construction in the fall of 2009. The asphalt patch was not acceptable, per Neil Tretter.

Financial Report

The November 30, 2009 Financial Statements were included in the Board packet. By motion duly made and seconded it was unanimously

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

Accounts Payable

Director Gregory questioned the \$2,373.52 invoice from the Sonnenalp Golf Club for irrigation repairs from the landscaping construction along with the \$5,475.10 invoice for repairs during the Winslow Road project. Ms. Jacobs offered to discuss the invoices with Mr. Carlson and Mr. Tretter to determine if the costs should be passed on to Valley Crest Landscaping. By motion duly made and seconded it was unanimously

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

Eagle River Meadows

Director Cohen reported the Eagle County Planning Commission has reviewed the preliminary plans for the Eagle River Meadows project proposed by the Atira Group. The next meeting on the project is scheduled for January 20, 2010.

Edwards Community Authority

Rick Mueller is requesting to change the open space designation on certain tracts of land in the core of Edwards to development tracts. ECA representative are not supportive of the idea.

ECA has entered into a contract with Eagle County to accept responsibility of the snow removal on the sidewalk at the Edwards Interchange roundabouts when they are completed. The agreement is subject to annual appropriation.

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ECA is basically supportive of the proposed Eagle River Meadows development, although they have expressed concerns with traffic issues and are requesting that the County's approval of the project be conditioned upon a roundabout being constructed by the project developer at Lake Creek Road and Highway 6. Director Budd reported CDOT will not approve any development on the B&B Parcel without a roundabout at Lake Creek Road.

SPOA Director Budd reported SPOA agreed to increase the annual assessments to \$150 in 2010. Resumes will be solicited for the SPOA Board openings to be voted on at the March 6, 2010 Annual Meeting. Petitions against the WECMRD field house roof are being distributed for signatures.

UERWA Ms. Dewton reported the UERWA cancelled the December meeting. The deadline for the alternative plan for the Colorado River has been extended.

The Authority is considering issuing bonds in early 2010 and they are looking at Build American Bonds. Although not tax exempt, they have a greater return to the investor and the issuing entity would receive a 35% rebate from the Federal government.

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 December, 2009.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting