
RECORD OF PROCEEDINGS

**Minutes of the Regular Meeting
Of the Board of Directors
Berry Creek Metropolitan District
May 27, 2008**

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on May 27, 2008 at 3:30 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
- Heather McInerny
- Doris Dewton
- Mike Budd

The following Director was absent and excused:

- George Gregory

Also in attendance were:

- John DeNardo
- Rick Cook
- Eileen Jacobs, Community Manager
- Steve Russell, WECMRD
- Dan Ward, Video Camera Solutions
- Eric Zimmer, Video Camera Solutions
- Ken Marchetti, CPA, 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 May 27, 2008, at 3:35 p.m. noting a quorum was present.

Minutes

By motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the April 22, 2008 regular meeting as revised.

Agenda

The public session was moved to the top of the agenda.

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Public Input

Skate Park Rick Cook updated the Board on the design and funding for the next phase of the Edwards Skate Park. Alpine Engineering will be completing the site plan within weeks. Grind Line constructed the original skate park and is expected to be hired to construct the expansion. Donated funds are being held at Community Bank and are being used to pay Alpine Engineering expenses.

Mr. Cook reported additional funds are needed in the near future to move forward on the project. It was agreed that Eagle County will collect the funds and use those to pay the expenses. The approximate cost of the expansion is estimated at \$300,000. Edwards Metropolitan District has agreed to contribute \$40,000. Western Eagle County Metropolitan Recreation District (WECMRD) and Eagle County have made unspecified donations. Mr. Cook is requesting donations from Arrowhead Metropolitan District and certain other entities. Steve Russell, WECMRD Executive Director, has offered to assist with writing a GOCO grant for partial funding of the project. Mr. Cook is looking for a commitment from the District and asked if the District would be willing to pay additional Alpine Engineering invoices.

The Board agreed to make a commitment in the form of a letter. The donation will be listed in the financials as a capital contribution to Miller Park. The funds will come from the High School tap fee that has already been received by the District. By motion duly made and seconded it was unanimously

RESOLVED to approve contributing \$40,000 to the expansion of the Miller Park skate park, contingent upon funding commitments being received for 100% of the costs of the construction and upon Eagle County being in charge of the construction and handling the finances.

WECMRD Steve Russell presented information on the programs being offered by WECMRD and plans for future capital projects. A plaque was presented to the District thanking them for their contribution to the programs. WECMRD has been able to reduce the cost of running programs thanks to the District's donation. Those savings are passed on to participants.

Director Cohen questioned the field house project status. Mr. Russell stated that originally they considered a larger facility, the funding of which would be shared by other interested partners but the other parties do not have funds available for construction so WECMRD has scaled the project back to a 45,000 square foot facility that would primarily house an indoor arena. WECMRD will take responsibility for getting utilities to the project and the County has the

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responsibility of paving the parking lot. The County owns the land where the field house will be constructed so their approval of the project is necessary. After the County's approval has been obtained, WECMRD plans to start site work in the fall of 2008 and complete construction in spring 2009. Conversations with other funding and usage partners will continue.

Other John DeNardo requested the Board consider changing the meeting times to accommodate working residents who could attend at a later time. Mr. DeNardo requested the minutes be posted on website as soon as approved and the Board considers spending funds for better communication between the District and the Community.

Director Cohen introduced Eileen Jacobs who will start on May 28, 2008 as the Community Director. Ms. Jacobs's responsibilities will include enhancing communication with constituents.

**2008B Bond
Refunding**

The Bond documents for refunding the 1998 bonds were included in the Board packets. The refunding will save the District funds by refinancing the bonds over the next three and a half years at a lower interest rate. By motion duly made and seconded it was unanimously

RESOLVED to approve the bond resolution, a copy of which is incorporated herein by this reference.

**Oath of
Directors**

The Oaths of Office were administered to Directors McNerny and Budd by Director Cohen.

**Appointment of
Directors**

By motion duly made and seconded it was unanimously

RESOLVED to reappoint Director Dewton as the District's representative to the Upper Eagle Regional Water Authority and to appoint Director Cohen as the 1st Alternate and director McNerny as the 2nd Alternate. A copy of the formal resolution for these appointments is incorporated herein by this reference.

Committees The Board agreed to appoint certain Directors to specific committees at the next meeting when director Gregory is in attendance.

Officers By motion duly made and seconded it was unanimously

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RESOLVED to appoint Director Cohen as President, Director Dewton as Vice President, Director McInerny as Secretary/Treasurer and Directors Budd and Gregory as Vice President and Assistant Secretary/Treasurer.

**Security
System**

Dan Ward and Eric Zimmer with Video Camera Solution presented the security system that was recently installed in and around the Community Center. Cameras with recording devices were installed that will allow activity at the Community Center and Chip Ramsey Park to be monitored and recorded.

**Staff
Reports**

Dan Carlson presented a proposal to clean the Community Center daily for \$1,200 per month. The Board approved the proposal.

The Board discussed the request to have bear-proof trash containers placed in the District parks. Director Cohen asked Ms. Jacobs to oversee the project.

**Edwards
Community
Authority**

No report.

**Open Space
Authority**

By motion duly made and seconded it was unanimously

RESOLVED to support Joe LeBeau as the representative to the Open Space Advisory Committee.

**Minturn Water
Rights**

Director Dewton stated the Minturn Water Application case is still proceeding. There was discussion on the need for additional water rights with the plans for the Ginn project proceeding.

Winslow Road

Underpass

Director Budd reported the environmental report came back favorable. The underpass expansion project will go to bid approximately mid-July. Plans are to start construction by August 1, 2008. The project will force Winslow road to be closed to complete the paving project by November 6, before the closing of the paving batch plants.

**West
Entrance**

Director Cohen reported the fourth round-a-bout circle on the north side of I-70 was justified but the adverse impacts can be mitigated with berming and landscaping.

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**Financial
Report**

The April 30, 2008 Financial Statements were included in the Board packet. By motion duly made and seconded it was unanimously

RESOLVED to approve the April 30, 2008 financial statements as presented.

**Accounts
Payable**


The Board reviewed the May 2008 accounts payable lists. By motion duly made and seconded it was unanimously

RESOLVED to approve the May 2008 accounts payable list as presented.

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 27th day of May, 2008.

Respectfully submitted,



Cheri Curtis

Secretary for the Meeting