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## RECORD OF PROCEEDINGS

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### Minutes of the Regular Meeting of the Board of Directors Berry Creek Metropolitan District May 22, 2007

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on May 22, 2007 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
- Doris Dewton
- Evelyn Pinney
- Sandy Donnelly
- Heather McInerny

Also in attendance were:

- Doug Dechant, Douglas Miller Dechant Architects Shepherd Resources, Inc
- Ryan Wolffe, Douglas Miller Dechant Architects Shepherd Resources, Inc
- Debra Monroe, Douglas Miller Dechant Architects Shepherd Resources, Inc
- Ken Marchetti, CPA, Robertson & Marchetti, PC
- Chuck Powers, Singletree Property Owners Association
- Cheri Curtis, Secretary for 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 22, 2007, at 3:30 p.m. noting a quorum was present.

#### **Community Center Expansion**

Mr. Wolffe with Douglas Miller Dechant Architects Shepherd Resources, Inc presented the current rendition of the potential Singletree Community Center Expansion. A Community Club Village concept is planned that would include a mail center with 1,000 post office boxes and 20 – 50 parcel boxes, a small coffee shop, an updated Board room, office space, an updated exercise facility, and an additional club room. The changes to the current facility were presented followed by the proposed new facility. Proposed would be an open air covered walkway that would connect the existing facility to the new facilities. Mr. Wolffe reported the US Postmaster's stringent requirements are adding to the complexities of the building design.

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Director Cohen suggested the Board concentrate on whether this is the direction the Board sees the Village area being developed. Discussion followed on options and suggestions for improvements to the plan. The Board also suggested incorporating solar panels into the building design.

Construction would begin in the fall of 2008 if the bond election question is passed in May 2008. Mr. Wolffe suggested distributing an updated version of the concept plans, incorporating the suggestions received, to local construction companies to obtain an estimate for construction cost before proceeding any further on the plans. The Board agreed and directed Mr. Wolffe to proceed with obtaining construction cost estimates.

The Board discussed the procedures required to issue bonds to fund construction of the Community Club Village along with funding the Winslow Road underpass improvements, and burying the Holy Cross electrical lines. The Board directed Mr. Marchetti to prepare a financial and election process plan that would allow the Board to determine if an election question should be presented to voters.

**Minutes** The Board reviewed the minutes of the March 27, 2007 Regular Meeting. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the minutes of the March 27, 2006 Regular Meeting as presented.

**Agenda** Director Donnelly added the Sheriff Department to the Community Center Security discussion.

**Community  
Center  
Security**

Director Donnelly presented information on recent situations the Eagle County Sheriff's Deputies patrolling the community have encountered. The Board noted that there has been increased vandalism around the Community Center and throughout the Community. Options to provide additional security were discussed and it was decided the best option would be to allow the Sheriff's Department to continue providing public services and to encourage residents to call 911 if they notice something suspicious.

**Wildlife  
Fence**

Mr. Powers reported the Colorado Department of Revenue (CDOT) is planning to install a fence to keep wildlife off I-70 between Avon and Wolcott. Mr. Powers has been working with CDOT to change the fence location to minimize the view impact for Singletree residents. To retrofit the fence for the existing Singletree community, CDOT is anticipating the cost will increase by \$150,000 along that

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stretch of I-70. CDOT has requested a donation from the Singletree Community of \$50,000 as a contingency if the incremental costs exceed \$150,000.

Mr. Powers distributed a resolution that CDOT is requesting the District adopt agreeing to fund a contingency of up to \$50,000 for the change in the wildlife fence location. By motion duly made and seconded it was unanimously

**RESOLVED** to adopt the attached resolution to fund a contingency up to \$50,000 with the stipulation that two directors must act jointly to disburse the funds.

#### **Trail System**

Mr. Powers presented the plans and the Challenge Cost Share Agreement prepared by the US White River National Forest Service to expand the trails adjacent to Singletree and Avon boundaries. Funds will be needed on an annual basis to make improvements to the trails with \$80,000 anticipated in 2007 to re-vegetate the trail system. The proposed Challenge Cost Share Agreement between the Town of Avon, Singletree Property Owners Association, Berry Creek Metropolitan District, and the US Department of Agriculture Forest Service White River National Forest to fund the improvements would be a five-year agreement that would be reviewed and approved by each entity on an annual basis.

Berry Creek Metro will need to lease the land from the Sonnenalp Golf Course where the trail access crosses golf course property. The proposed lease would be on a fifteen year basis with five year extensions. A Memorandum of Understanding between the District and the Sonnenalp Golf Course stipulates the terms of the lease. The use of the property would be limited to non-motorized traffic.

SPOA has agreed to approve the agreement and donate \$20,000 in 2007. Mr. Powers requested the Board pass a resolution to approve the Memorandum of Understanding and Agreement to fund up to \$20,000 for the trails improvements in 2007. By motion duly made and seconded it was unanimously

**RESOLVED** to approve and authorize Director Cohen to execute the Challenge Cost Share Agreement between the Town of Avon, the Singletree Property Owners Association, Berry Creek Metropolitan District, and the US Department of Agriculture Forest Service White River National Forest.

The Board further

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**RESOLVED** to approve and authorize Director Cohen to execute the Memorandum of Understanding with the Sonnenalp Golf Course to lease the portion of the golf course property that will be crossed by the White River Forest Service Trail System.

The Board further

**RESOLVED** to fund up to \$20,000 for the White River Forest Service trails project in 2007.

#### **Other SPOA Items**

Mr. Powers has asked Lee Rimmel, a Singletree resident, to get involved in the Singletree Community and to make suggestions for improvement to the Community.

Mr. Powers updated the Board on the status of the turn lane requirements for the June Creek Elementary School located in Miller Ranch.

#### **Accounts Payable**

The Board reviewed the April and May 2007 accounts payable lists. By motion duly made and seconded it was unanimously

**RESOLVED** to ratify approval of the April accounts payable list and to approve the May accounts payable list as presented.

#### **Financial Report**

The April 30, 2007 Financial Statements were reviewed by the Board. The preliminary Assessed Value increase was presented to the Board and discussion followed. By motion duly made and seconded it was unanimously

**RESOLVED** to accept the April 30, 2007 financial statements as presented.

#### **Shapins & Assoc Workshop**

A workshop with area representatives is being scheduled to discuss the road improvement plans prepared by Shapins and Associates for the Edwards area. Mr. Marchetti presented a list of the proposed representatives for the workshops. Discussion followed on which representatives should be involved from the District. Mr. Marchetti was given direction to assist with determining who should represent the District and SPOA.

**Adjournment** There being no further business to come before the Board, by motion duly made and seconded it was unanimously

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**RESOLVED** to adjourn the Regular Meeting of the Berry Creek Metropolitan District Board of Directors this 22nd day of May, 2007.

Respectfully submitted,

Cheri Curtis  
Secretary for the Meeting