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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 November 27, 2007**

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on November 27, 2007 at 3:40 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
- Heather McInerney
- Evelyn Pinney

The following Director was absent and excused:

- Sandy Donnelly

Also in attendance were:

- Rick Cook
- Chuck Powers, Singletree Property Owners Association
- Ken Marchetti, CPA, Robertson & Marchetti, PC
- 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 November 27, 2007, at 3:40 p.m. noting a quorum was present.

#### **Minutes**

By motion duly made and seconded it was unanimously

**RESOLVED** to approve the minutes of the October 23, 2007 Regular Meeting as presented with Directors Cohen abstaining from voting.

#### **Agenda**

The Open Space Advisory Committee (OSAC) update and the Edwards Area Council discussion were added to the agenda.

#### **Edwards Skate**

##### **Park**

Rick Cook presented an update on the plans to expand the Skate Park at the Edwards Freedom Park. Per Mr. Cook, Eagle County Board of County Commissioners (ECBOCC) supports the half-pipe project and has agreed to donate the land. ECBOCC did request the plans for the basketball court be postponed until the Master Plan for Miller Park is completed. The estimated cost to install the half-pipe is in the \$275,000 to \$300,000 range. Mr. Cook has raised

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\$8,000 in private funding and a portion of those funds were used to pay Peak Land Design for the skate park design. A public meeting is being scheduled to obtain additional input from area residents. Western Eagle County Metropolitan Recreation District and Eagle County Schools have used the skate park for clinics and classes and there are plans for snowboarding clinics in the winter.

The Board agreed to commit to support the half-pipe, with the amount to be decided at a later time.

**Staff** The Board reviewed the staff reports. Director Cohen reported the cost to install the new locks that would monitor each person entering the exercise and conference room is \$3,000 and upon Director Cohen's recommendation the Board authorized the installation of the new locks.

On behalf of the Board, Susan O'Rourke has ordered \$167 worth of additional exercise supplies for the exercise room.

**OSAC** The organizational structure for the Open Space Advisory Committee continues to be an ongoing discussion. The Board discussed the concept of the committee and agreed the issues need to be addressed by the Eagle County Commissioners. Mr. Marchetti questioned the funding accountability for the property taxes collected. Director Pinney stated the Committee does not receive a copy of the Open Space Fund's financial report.

**Edwards Area  
Council**

Director Cohen stated the Board has budgeted funding for the Edwards Area Council and is supportive of the work being done by the Council. Director Dewton stated the aesthetics and construction management of the round-a-bout projects planned for the Edwards Spur Road needs to be addressed.

Mr. Marchetti suggested the Council continue to use the engineering committee to oversee the construction of the round-a-bout project.

The Board discussed the plans for future development in the Edwards area and the need to ensure the infrastructure is sufficient to handle additional residents prior to approving additional projects.

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#### Maintenance

##### Contracts

Director Dewton suggested the Board review the 2008 landscape maintenance plans for Winslow Road in light of the construction planned for the underpass project. Mr. Powers updated the Board on the plans for construction in 2008 on the project. After discussion and by motion duly made and seconded, it was unanimously

**RESOLVED** to approve the Sonnenalp of Vail Fine Gardens and the STI Services, Inc landscape maintenance contracts with the understanding that the amount of landscape maintenance required in 2008 would be reduced as a result of the Winslow Road Underpass construction and to authorize any officer of the District to execute the contracts with the necessary revisions to reflect the reduced requirements.

##### 2008 Budget

It was noted that the October 23, 2007 meeting was published as a budget public hearing and that public comment and from that meeting was continued to this meeting. The public session was re-opened and Mr. Power provided comments.

Discussion followed on funding for the round-a-bout on Winslow Road at Miller Ranch Road. It was agreed that this is primarily a County and School District problem and to allow them to continue discussions before the District makes any commitments to funding the project. Mr. Marchetti stated the property is located within Edwards Metropolitan District boundaries.

The Board considered using any available funds from the 2007 “roads” election question if the Winslow Road underpass project comes in under budget to improve the sidewalks & paths and the landscaping at the west entrance.

The Board agreed in concept to plan to use the funds the District will receive from CDOT for sale of land for the right of way for aesthetic and landscaping improvements at the west entrance round-a-bout.

Mr. Marchetti reviewed the proposed 2008 budgets with the changes recommended by the Board. By motion duly made and seconded it was unanimously

**RESOLVED** to adopt the resolution to adopt the 2008 budget, certify the mill levy and appropriate funds, a copy of which is incorporated herein by this reference.

#### Financial

##### Report

The October 31, 2007 Financial Statements were included in the Board packet. By motion duly made and seconded it was unanimously

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**RESOLVED** to approve the October 31, 2007 financial statements as presented.

#### Reimbursement

**Resolution** The Board discussed adopting a reimbursement resolution so that all costs incurred related to the Winslow Road underpass project prior to the issuance of the bonds can be reimbursed out of the bond proceeds when the bonds are issued. By motion duly made and seconded it was unanimously

**RESOLVED** to adopt the reimbursement resolution related to reimbursement of costs of the Winslow Road Underpass Project, a copy of which is incorporated herein by this reference.

#### Accounts

**Payable** The Board reviewed the November 2007 accounts payable list. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the November accounts payable list as presented.

**UERWA** Director Dewton stated the Denver Water Board trial is scheduled to start Friday, November 30, 2007 and that there are no other vital matters to report on.

**SPOA** Mr. Powers reported CDOT plans to install the wildlife fence on I-70 adjacent to the District in the near future.

The proposed PUD plans for the parking structure in Arrowhead were discussed.

Dave Lawson and Rick Cole with the Eagle County Sheriff Office were present to discuss the safety issues within the District. The use of ATV's on District property continues to be a problem. The deputies stated the Board could file criminal mischief charges for damage to District property on the behalf of the District. Public access trails are a different issue and not as easy to address. ATV's are not legal to ride on public roads because they are not licensed in the State of Colorado. Motor bikes can be licensed and therefore are legal to ride on public roads with a proper license.

The Board has budgeted for three speed display signs. It was recommended to place them on downhill roads without curves and possibly near the trail access at the Sonnenalp Golf Course Hole #10. The Board has budgeted for an access gate into the Community Center to reduce the vandalism and loitering.

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Since Singletree has requested additional enforcement of the no street parking rule, Singletree has become a zero tolerance zone for on-street parking. The Sheriff's Department is issuing parking tickets for anyone parking on the roads in Singletree unless the Sheriff's Department is notified of a situation where visitors are parking on the streets for a special occasion.

**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 November, 2007.

Respectfully submitted,

*/s/ Cheri Curtis*

Cheri Curtis  
Secretary for the Meeting