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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 January 24, 2006**

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on January 24, 2006 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
- Evelyn Pinney
- Heather McInerney
- Sandy Donnelly
- Doris Dewton

Also in attendance were:

- Ken Marchetti, CPA, Robertson & Marchetti, PC
- Bethany Palmer, 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 January 24, 2006, at 3:30 p.m. noting a quorum was present.

**Minutes** The Board reviewed the minutes of the November 22, 2005 Regular Meeting. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the minutes of the November 22, 2005 Regular Meeting as presented.

#### **Changes to The Agenda**

Discussion regarding the Foal Circle Easement was added to the agenda for discussion.

#### **Admin Position**

The Board revisited the possible creation of a new community center administration position. Director Cohen reported that he put together a draft job description and will email it to the Board for feedback. Director Donnelly reported that she has software that could help in the creation of a job description and the candidate selection process.

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#### **Eagle County**

##### **Land Use**

**Regulations** The Board reviewed the proposed amendments to the Eagle County Land Use Regulations. The amendments are intended to strengthen the submittal requirements and criteria for evaluating proposed changes in zoning. After discussion, the Board stated it has no objections to the amendments.

##### **Foal Circle**

**Easement** The Board discussed the District's access trail easement that was placed on Filing 4 Block 2 Lot 35 which is located on Foal Circle. The Board expressed concern regarding the adverse impacts to the adjacent lot owners of pedestrian access through the vicinity of their back yards. The Board took no formal action and decided to table the matter for further discussion at a later time.

##### **Long Range**

##### **Community**

##### **Plan**

The board discussed the possibility of improving the community center which could include a new workout facility, coffee shop, and post office. Director Cohen reported that he would set up a time to meet with Ron Brave, a Cordillera resident, to evaluate and retrieve information about Cordillera's coffee shop and post office set up.

#### **Edwards**

##### **Spur Road**

Director Cohen reported that he met with Edwards, Lake Creek, Arrowhead, and Cordillera Metropolitan Districts to discuss funding the engineering design of the roundabouts at I-70 and the Edwards Spur Road. Mr. Marchetti presented a draft comparison of two possible allocations of the Spur Road improvement costs. The allocations are based on the number of units within each district or each district's total assessed property values. Mr. Marchetti explained that in this allocation a "weighting factors" of 25% and 50% for Arrowhead and Cordillera respectively have been applied since those districts maintain their own internal roads whereas the roads for the other Edwards area districts are maintained by the County. It was reported that the general consensus of the Boards support the per unit allocation method. The Board discussed the Spur Road project and supported the per unit allocation method also.

Mr. Marchetti expressed his desire to see a task force formed for the primary purpose of addressing Edwards area issues such as the Edwards Spur Road. He explained that he would like to see the organization comprised of representatives from the various Metropolitan Districts in Edwards. Director McInerney volunteered to represent Berry Creek Metropolitan District on the task force.

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**Election** The Board reviewed the election resolution and by motion duly made and seconded it was unanimously

**RESOLVED** to approve the election resolution calling for an election, appointing a designated election official and providing for the cancellation of the election if there are no contested board seats.

**24-Hour Posting** By motion duly made and seconded it was unanimously

**RESOLVED** to adopt the 24 hour posting notice resolution, a copy of which is attached hereto and made a part hereof.

**Financial Report** The December 31, 2005 Financial Statements were reviewed by the Board. By motion duly made and seconded it was unanimously

**RESOLVED** to accept the December 31, 2005 financial statements as presented.

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

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

**UERWA** Director Dewton reported that UERWA conducted a test on Cordillera's wells. The test indicated that the wells will not produce the amount that they are required to produce. Although the aquifer is adequate, the pumping equipment limits the water production. To solve the problem, Cordillera could either purchase additional water from another source or enlarge the pumping capacity.

**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 January 24, 2006.

Respectfully submitted,

Bethany Palmer  
Secretary for the Meeting