
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District January 25, 2005

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on January 25, 2005 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
- Heather McInerney
- Sandy Donnelly
- Evelyn Pinney

Also in attendance were:

- Ken Marchetti, CPA, Robertson & Marchetti, PC
- Bethany Palmer, Secretary for the Meeting
- John Perkins, JMP Architects

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 25, 2005, at 3:30 p.m. noting a quorum was present.

Minutes The Board reviewed the minutes of the November 23, 2004 Regular Meeting. By motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the November 23, 2004 Regular Meeting as presented.

Changes to the Agenda

Discussion regarding Kinder Morgan's construction cleanup was added to agenda under New Business. In addition, discussions regarding Eaton Ranch and the Stagecoach berm were also added to the agenda under Old Business.

Public Input

Mr. John Perkins explained that he was appearing before the Board to discuss his request to build a berm on Lot 2, 0068 Hackamore. He stated that the construction of the berm is contingent upon written authorization from the Board because part of the berm would be constructed on District property. Mr. Perkins explained that his request stems from the property owner's desire to shield noise from I-70 and

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Berry Creek Rd. Director Cohen stated he was worried the construction of the berm would inspire other homeowners to request similar berm construction for their lots. Mr. Perkins responded by stating that there is only one vacant lot on Hackamore Street that could request such a berm. Director Penny expressed concern that easements may exist and cautioned Mr. Perkins that if utility easements exist on the property, it would be the owner's responsibility to repair the berm due to any utility work. Director Donnelly and Director Dewton stated that they would meet before the next board meeting to evaluate the construction area. The Board stated that if they agree to the construction of a berm, it would be contingent upon all costs being paid by the owner, adequate drainage to prevent water pooling, and vegetation of the berm to consist of native grasses and trees on the south eastern and south western sides of the berm.

Staff SCC Director Cohen reported Mr. John Carlson's request to install wood blinds in the boardroom. The Board agreed that wood blinds would be a suitable addition to the boardroom. Director Cohen stated he found pendant light fixtures at Home Depot that would create an enjoyable atmosphere in the boardroom.

**New
Business**

**Community
Center Rental
Policies**

Director Cohen passed out copies of the Singletree Community Center Guidelines for discussion. Director Cohen clarified the policy regarding the non-profit organization rate. Non-profit organizations may use the Community Center for free if use is for the public benefit i.e. community briefings. On the other hand, organizations must pay if use is for other purposes such as entertainment but the rates will be the same rates as Singletree residents pay.

Director Cohen reported Mr. Stovall's request for Alcoholics Anonymous to use the Community Center for free on Wednesday evenings in addition to their current meeting times of Tuesday and Thursday mornings. After discussion, the Board felt it would not be appropriate to give up the opportunity to rent the Center on Wednesday nights to paying customers and that it would be too difficult for AA to cancel their meetings when the Center is rented. Therefore the Board denied the request. Director Dewton requested staff to research documentation that details the arrangement the District has with Alcoholics Anonymous regarding use of the Community Center.

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Director Cohen reported that Erin Roberts with the Sonnenalp has requested an exercise room key so she can bring clients into the exercise room. The Board responded by stating that the exercise room is for residents only and it would be against policy to allow her to have a key and so the Board denied her request.

CC

Tracking

Director Cohen informed the Board that he is working with Mr. John Carlson to create a comparative analysis that illustrates how well the Community Center performs compared to the competition in the valley. In addition, Director Cohen informed the Board that Staff at Robertson & Marchetti, P.C. will be creating user-friendly graphs that feature the Community Center trends with regard to revenue and expenses on a monthly basis. Director Cohen believes these new tools will assist the Board in having a clearer picture of the Community Center activity and related expenses.

Construction

Clean-up

Director Dewton informed the Board that Kinder Morgan construction signs related to the emergency gas line job were left on the side of the road. Director Dewton requested staff to contact Eagle County Engineering or Kinder Morgan to determine the responsible party for immediate clean up and re-vegetation in the spring.

Old Business

Stagecoach

Berm

Director Dewton reported that only a small portion of the Dunn berm had been removed. The Board requested that staff compose a letter to the Dunns requesting a status report including a detailed timetable as to when they expect their berm to be removed.

Eaton Ranch

The Board discussed the purchase of Eaton Ranch by the Vail Valley Foundation with a \$6 million contribution from the County. Director Cohen indicated the terms of the financing will be more defined in the next few months and suggested that this item be tabled until further info is available.

CME Parking

Lot

CME has submitted a request to the County for a special use permit for an additional parking lot which will be located on the School District's land on the east side of the current CMD lot, adjacent to the Equestrian Center indoor arena and barn. The County has circulated this special use permit application for input. The Board's initial reaction was that this use is not consistent with the current

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zoning or with the intended use of the 5th filing and Director Cohen offered to contact the School District to obtain more information.

24-Hour Posting

Location By motion duly made and seconded it was unanimously

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

Meeting

Dates The Board reviewed the proposed meeting schedule for 2005. By motion duly made and seconded it was unanimously

RESOLVED to hold the regular meetings on the fourth Tuesday of each month at 3:30 p.m.

Financial Report

The December 31, 2004 Financial Statements were reviewed by the Board. By motion duly made and seconded it was unanimously

RESOLVED to accept the December 31, 2004 financial statements as presented.

The Board discussed the Berry Creek 5th filing tap fees and requested that Mr. Marchetti determine if the District is scheduled to receive any more fees from the 5th filing.

Accounts Payable

The Board reviewed the December 30, 2004 accounts payable list to be ratified and the January 18, 2005 updated accounts payable list to be approved. By motion duly made and seconded it was unanimously

RESOLVED to ratify payment of the December 30, 2004 accounts payable list and to approve the January 18, 2005 accounts payable list as presented.

UERWA

Director Dewton reported that ERWSD is planning an election for certain properties to be included into their district. ERWSD offered Edwards Metropolitan District the opportunity to include its water function into ERWSD through this election. Edwards Metropolitan District, while stating they are in favor of the consolidation, indicated they do not believe this is the proper path to consolidation. Accordingly, they have declined the opportunity to include into ERWSD.

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The Authority has received a request from the Town of Avon to permit it to dedicate 108%-112% of their projected water needs to the Authority rather than the 120% currently required by the Authority. The Authority Board will be taking Avon's request into consideration.

Director Dewton reported that due to the recent tanker accident on I-70, ERWSD is enhancing its emergency communications procedures with the Eagle County Hazmat department.

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 25th day of January, 2005.

Respectfully submitted,

Bethany Palmer
Secretary for the Meeting