
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District February 22, 2005

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

Also in attendance were:

- Ken Marchetti, CPA, Robertson & Marchetti, PC
- Bethany Palmer, Secretary for the Meeting
- Jay Ufer, Colorado Mountain Express
- Sid Fox, Land Planner for Colorado Mountain Express
- Homer Williams, Prior Board Member (attended a portion of the meeting to discuss water rights)

**Call To
Order**

The Regular Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Director Cohen, on February 22, 2005, at 3:30 p.m. noting a quorum was present.

Minutes

The Board reviewed the minutes of the January 25, 2005 Regular Meeting. By motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the January 25, 2005 Regular Meeting as revised.

**Changes to
the Agenda**

Discussion regarding speeding on Buckboard Road and speed limit signage was added to the agenda.

**CME Special
Use Permit**

Application

Mr. Jay Ufer with Colorado Mountain Express (CME) and CME's land planner, Sid Fox, appeared before the Board to discuss the proposed Berry Creek/Miller Ranch special use permit application to permit 30 additional parking spaces to be used to park CME's vans adjacent to the current riding arena immediately east of

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the current parking at Edwards Station. They stated that the proposal stemmed from their desire to eliminate satellite parking on Metcalf road in Avon. The Board expressed concern that CME has been parking in non-designated spaces at Edwards Station. Mr. Ufer responded by stating that he is not aware of any parking violations and will closely monitor compliance with parking rules. The Board asked if additional lighting would be erected due to the additional parking. Mr. Fox assured the Board that no additional lighting would be installed unless required by the regulatory authorities. The Board also asked if the additional parking would increase traffic on Miller Ranch road. Mr. Ufer replied by stating that the additional parking would not increase traffic. The Board commented on original discussions with CME with regard to CME pursuing permanent van parking at the Eagle Airport for long-term storage of vehicles and requested that CME continue to pursue that alternative. Director Cohen requested that Director Pinney compose a letter on behalf of the District that expresses the Board's viewpoint and concerns with regard to the proposed PUD amendment.

Request for Berm 0068 Hackamore

Director Dewton reported that Mr. John Perkins was sick with the flu and would not be present. Director Dewton and Director Donnelly stated that they visited the site for the proposed berm at Lot 2, 0068 Hackamore. They reported that the current large drain under the bike path is eroding seriously and that improvement of the drain must be a condition for approval of the berm construction. Mr. Marchetti suggested that an encroachment agreement between the Board and the owner of Lot 2, 0068 Hackamore be prepared that details all of the conditions discussed and that will allow the Board to rescind the agreement if all of the conditions are not met. A draft letter was reviewed by the Board explaining the conditions for approval. By motion duly made and seconded it was unanimously

RESOLVED to authorize a letter to be sent to Mr. Perkins outlining the District's conditions for approval of an encroachment agreement to permit a berm to be constructed on District property adjacent to 0068 Hackamore.

Staff SCC

The Board discussed Mr. John Carlson's request for reimbursement for the cost of his cell phone use and the cost of the DSL/Fax hookup in his home. Director Dewton commented she thought that part of the recent increase in his salary was to cover the above-mentioned expenses. Director Cohen stated he would review previous minutes and talk to Mr. Carlson about the request.

The Board commented they like the new conference room table, chairs, and lighting fixtures. Director Cohen stated the new storage cabinet should be arriving soon and suggested purchasing four more chairs for the conference room. In addition, he suggested purchasing a historical print to hang on the wall in the

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conference room. The board agreed to his requests and also to appropriate an additional \$2000 for the conference room upgrade project.

Staff

Parks Director Cohen reported Charolais Circle pond is still emitting an offensive stench and that Mr. Dan Carlson is still trying to figure out the cause of the unpleasant smell.

New Business

Open Space

Advisory

Committee

Mr. Marchetti reported that the Eagle County Board of Commissioners is requesting the Arrowhead, Edwards, and Berry Creek Metropolitan Districts each nominate a candidate for the Citizen's Open Space Advisory Committee and then the Commissioners will select a committee member from the nominations. The Board agreed to nominate Director Pinney as the Berry Creek candidate and requested that a letter be composed to nominate Director Pinney on behalf of the Board. By motion duly made and seconded it was unanimously

RESOLVED to nominate Director Evelyn Pinney as a candidate for consideration by the Commissioners as the Edwards area representative to the Citizen's Open Space Advisory Committee.

Vail Valley

Soccer Club

The Board reviewed the letter from the Vail Valley Soccer club requesting use of Chip Ramsey Park on October 1 and 2, 2005 for the Challenge Cup event. The Board expressed concerns over all on-street parking and suggested utilization of the parking lots at the Community Center and Middle School for the event. The Board agreed to grant the request conditional upon Vail Valley Soccer Club submitting an acceptable parking management plan. The Board stated the plan should indicate where parking will be permitted, how traffic will be directed to designated parking areas, and how compliance will be enforced. Director Cohen requested Staff send a letter to the Vail Valley Soccer Club detailing the Board's concerns, suggestions, and conditions regarding use of Chip Ramsey Park. By motion duly made and seconded it was unanimously

RESOLVED to grant Vail Valley Soccer Club use of Chip Ramsey Park on October 1 and 2, 2005 contingent upon submittal of an acceptable parking management plan by Vail Valley Soccer Club.

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Vail Recreation

District The Board Reviewed the letter from the Vail Recreation District requesting use of Chip Ramsey Park after May 1, 2005 for spring soccer practice. The Board agreed to grant the request and Director Cohen asked Director McInerny to contact Vail Recreation District and inform them that they have been granted use of the field.

Financial

Reports The Board reviewed the new financial report graph that summarizes the Community Center Operations and Park Maintenance on a monthly basis and thanked Director Cohen for implementing the new report. The report also compares the District's Capital Project year-to-date actual and budgeted expenses.

Old Business

Stagecoach

Berm The Board discussed the Dunn's status report letter that indicated bad weather was the cause of delay in removal of the berm.

Eaton Ranch Director Cohen reported the Vail Valley Foundation would be hosting an informal presentation on February 28, 2005 at 9:30 a.m. at the French Press regarding funding for the Eaton Ranch purchase. The Board agreed to continue the meeting to the above-mentioned location so that any Board member that would like to attend the presentation would be able to participate.

Traffic & Speed Limit Signs

Director Cohen reported that Doug Crichfield, a SPOA Board Member, still believes there is a problem regarding speeding in Singletree and Neil Tretter with Sonnenalp Golf Club feels that the cart crossing areas need to be painted and additional signage should be posted. Director Cohen also reported that Helen Migchelbrink with Eagle County Engineering is willing to give further consideration to the speeding problems in Singletree.

Speeding on Buckboard

Director McInerny reported that homeowners are complaining about speeding on Buckboard Road. She suggested requesting more speed control enforcement hours from the Sheriff's department in the area to monitor the speeding. Director Cohen suggested re-striping to create narrower lanes and to have the signage enhanced. In addition, he recommended saving any emails regarding the Buckboard speeding to develop a file that would demonstrate the need for more speed control enforcement.

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Legal-Water

Lease

The Board reviewed the supplemental water lease and had questions regarding the percent of water being conveyed as reflected on Exhibit A. Mr. Williams reported that his recollection was that the District had retained a portion of water rights to be used for irrigation of the parks and fields under an agreement with Singletree Golf Club. The Board requested that Mr. Marchetti contact Mr. Porzak for clarification of the matter and so the Board tabled the lease pending Mr. Porzak's response.

Financial

Report

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

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

Accounts

Payable

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

RESOLVED approve the February 22, 2005 accounts payable list as presented.

UERWA

Director Dewton reported that the Authority incurred \$26,000 to repair John Heilman's yard due to the Mesquite tank overflow but he is still not happy with his yard and he is requesting additional compensation from the Authority. Director Dewton also reported that a coalition has been formed of Colorado River Counties to determine how Colorado River water will be shared with Denver and the Front Range.

Continuation There being no further business to come before the Board at this time, by motion duly made and seconded it was unanimously

RESOLVED to continue the Regular Meeting of the Berry Creek Metropolitan District Board of Directors to February 28th, 2005 at 9:30 a.m. at the French Press in Edwards, Colorado.

Respectfully submitted,

Bethany Palmer
Secretary for the Meeting