
RECORD OF PROCEEDINGS

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

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on March 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 McInerney
- Evelyn Pinney

The following Director was absent and excused:

- Sandy Donnelly

Also in attendance were:

- Ken Marchetti, CPA, Robertson & Marchetti, PC
- Bethany Palmer, Secretary for the Meeting
- Bob Knous & Ceil Folz, Vail Valley Foundation
- Reese Johnson, SPOA President

Call To Order

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

Minutes

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

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

Changes to the Agenda

Discussion regarding WECMRD Tax District, Clean Up Day, and Open Space Advisory Committee were added to the agenda.

Vail Valley Foundation

Presentation

Bob Knous and Ceil Folz from the Vail Valley Foundation gave a presentation concerning the Eaton Ranch Purchase. The Foundation is leading a county-wide effort to purchase the 72-acre parcel located north of Highway 6 and south of

RECORD OF PROCEEDINGS

Berry Creek Metropolitan District March 22, 2005 Meeting Minutes

Interstate 70 in Edwards. The Foundation's intent is to place a conservation easement on the property to protect the land as open space. The conservation easement will be held by Eagle Valley Land Trust and the land will be conveyed to the Eagle County Open Space Fund. The Foundation's contract to purchase this property is for a purchase price of \$12 million and is scheduled to close on September 5, 2005. If the Foundation fails to close, the contract will terminate and the land will likely be developed into a commercial and residential subdivision. Eagle County committed \$6 million towards the purchase price on January 20, 2005. Since September, the Foundation has been working toward raising the remaining \$6 million and has received \$2.5 million of individual contributions. The remaining \$3.5 million must be received by September 2005 in order to finalize the purchase. Ms. Folz and Mr. Knous requested the District consider contributing to the purchase since the parcel is located in Edwards and the Edwards area community will receive the most benefit from the open space.

Discussion followed with most Board members expressing strong support for purchasing the parcel for open space. Reese Johnson commented that perhaps Singletree residents should be notified via a letter that provides details regarding the Eaton Ranch purchase before making any funding commitments. Ms. Folz stated that a pamphlet detailing the purchase will be mailed out to every Post Office Box in the County.

Ms. Folz requested the Board submit a letter documenting that Berry Creek Metropolitan District supports the purchase of the parcel. The Board expressed willingness to submit the requested letter. The Board discussed funding \$100,000 this year and perhaps funding an additional \$100,000 in 2006 for ongoing maintenance. The Board did not come to a conclusion as to the exact dollar amount but did express an intent to commit a significant sum of money toward the purchase of the Eaton Ranch parcel. By motion duly made and seconded, it was unanimously

RESOLVED endorse the efforts of the Vail Valley Foundation to Purchase the Eagle River Preserve.

Staff SCC Director Cohen reinforced the Community Center policy requirement that if a resident rents the Community Center at the discounted resident rate, then the resident must be present at the event.

Director Cohen reported Mr. John Carlson's request to place a light on the new sign at the Berry Creek Middle School Entrance. After discussion, the Board felt a light was not necessary at this time and accordingly, the request was denied. Mr. John Carlson suggested increasing the Community Center Board Room rental

RECORD OF PROCEEDINGS

Berry Creek Metropolitan District March 22, 2005 Meeting Minutes

fee to \$35 and placing a time limit on usage. The Board felt more usage of the boardroom is needed before a price increase can be justified.

Staff Parks The Board reviewed the \$10,700 road-striping bid by Patriot Highway Markings. The Board agreed to accept the bid.

Director Cohen reported that lack of aeration is the cause of the smell in Charolais Circle pond. Most of the area golf courses use pond aerators to keep the water in their ponds fresh. Installation of an aeration system is not a practical solution at this time so alternative solutions to this issue are still being sought.

The Board reviewed the proposal from Mountain Valley Ventures for maintenance of the trees in Singletree. Director Cohen reported Mr. Dan Carlson's recommendation of implementing a reduced level of tree care. Mr. Dan Carlson has reported that there are alternative tree care practices such as using granular fertilizer on the surface that percolates down into the soil versus deep root feeding. Mr. Dan Carlson has been advised that the most important factor is ensuring the trees are being watered properly and this requires walking the trees to verify the irrigation system is delivering water to the trees. Director Cohen stated that Mr. Dan Carlson would research various recommended tree care practices and compare them to the Mountain Valley Ventures tree care proposal.

New Business

Traffic Director Cohen passed out pictures depicting an example of a Cordillera Valley Club speed platform. Director Cohen suggested constructing a similar speed platform on Winslow road, north of the Mesquite and Winslow intersection. He also suggested that if the speed platform works well, a second speed platform should be constructed at the golf cart crossing on Winslow road just before the freeway underpass. Director Cohen will follow up with the County with regard to the approval for installation of the speed bumps.

Cleanup Day Director Dewton reported that the annual Community Pride Highway Clean Up Event is scheduled for April 30, 2005. She stated that volunteers will pick up litter along I-70 and in various communities throughout the valley. The Board agreed to donate \$250 towards the Highway Clean Up cause.

WECMRD

Tax

District

A letter has been mailed by Grimshaw and Harring on behalf of Western Eagle County Metropolitan Recreation District (WECMRD) to approximately one-half of the residents in Singletree indicating that their property will become subject to WECMRD's property tax. Essentially, the issue involves determining what the

RECORD OF PROCEEDINGS

Berry Creek Metropolitan District March 22, 2005 Meeting Minutes

specific boundaries of WECMRD are and is it unusual that this issue is arising at this time since both WECMRD and Berry Creek Metro have been in existence with no boundary changes for many years. Initial indications are that the letter has been mailed in error and will be retracted. Grimshaw and Haring is general counsel for both Berry Creek Metro and for WECMRD which is adding to the confusion surrounding this issue. The WECMRD boundaries are being researched to confirm that no Berry Creek properties are included in WECMRD and upon conclusion of this research, a letter will be mailed to those properties that received the initial letter explaining that the initial letter was sent in error and their property is not subject to the WECMRD tax.

Old Business

Stagecoach

Berm

Director Dewton reported that the Dunn's berm has been removed; however, it appears that the landscape where the berm was located needs to be reseeded with native grasses.

Speed

Limit

Signs

Director Dewton reported that the speed limit going up the hill on Winslow road past Singletree road was changed to 25 mph; however, it was changed above Filly instead of the agreed upon location which was below Filly. She also reported that the speed limit coming down Winslow road was correctly changed to 35 mph but that the speed limit between Tack and Filly going downhill at the worst corner increases too early and has not yet been corrected. Director Cohen indicated that he would raise these issues with the County when he inquires about installation of the speed platforms.

Open Space

Advisory

Committee

Director Dewton reported that Edwards area metropolitan districts have the option of either individually nominating a candidate for the Open Space Advisory Committee or collectively the Districts can nominate a single candidate. Director Dewton suggested that Berry Creek Metropolitan District coordinate with other Edwards area districts to nominate a single candidate. The Board authorized Director Dewton to meet with other Districts to pursue the matter.

Legal

Water

Lease

Mr. Marchetti reported he was waiting for a response from Mr. Porzak to clarify items in the supplemental water lease.

RECORD OF PROCEEDINGS

Berry Creek Metropolitan District March 22, 2005 Meeting Minutes

**Financial
Report**

The February 28, 2005 Financial Statements were reviewed by the Board. By motion duly made and seconded it was unanimously

RESOLVED to accept the February 28, 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 March 22, 2005 accounts payable list as presented.

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 22nd day of March 2005.

Respectfully submitted,

Bethany Palmer
Secretary for the Meeting