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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 April 26, 2005

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on April 26, 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
- Dennis Gelvin, General Manager of ERWSD

**Call To  
Order**

The Regular Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Director Cohen, on April 26, 2005, at 3:30 p.m. noting a quorum was present.

**Minutes**

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

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

**Changes to  
the Agenda**

Discussion regarding Hiking Trails, Wildlife in Singletree, Park Improvement, & Speed Bumps, were added to the agenda.

**Proposed  
Changes to  
Water  
Authority  
Board**

Dennis Gelvin, General Manager of ERWSD, explained that he was appearing before the Board to discuss proposed changes to the Water Authority Board. Mr. Gelvin stated he wanted to know the Berry Creek Metropolitan District's position

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## RECORD OF PROCEEDINGS

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### Berry Creek Metropolitan District April 26, 2005 Meeting Minutes

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regarding the proposal of adding three new members to the UERWA. The three new seats would include a representative from Cordillera, Bachelor Gulch, and Traer Creek Metropolitan Districts. Mr. Gelvin commented on the pros and cons if the proposal was approved. He stated all UERWA members have veto power and so adding three new members could cause delays in decision making processes. Mr. Gelvin passed out a spreadsheet detailing UERWA member statistics. The document compared the proposed seat's SFE's and assessed valuations to the existing UERWA member statistics. Mr. Gelvin commented that based on the statistics, it would seem fair to allow some of the proposed seats join UERWA. The Board stated that while they would like to see the interests of Cordillera, Bachelor Gulch, and Traer Creek Metropolitan Districts represented on the Board, they do not want to burden the decision making process by adding three new members with veto power. Director Dewton stated she would support the induction of the new members if the UERWA made decisions via majority vote instead of by unanimous consensus. By motion duly made and seconded, it was unanimously

**RESOLVED** to oppose the proposal of adding a representative from Cordillera, Bachelor Gulch, and Traer Creek Metropolitan Districts to the UERWA at this time. However, the Board indicated they would consider a specific proposal to add new members to the UERWA if a detailed proposal is presented.

**Staff SCC** Director Cohen reported that Vail Lock & Key will be replacing the door closures on the front and main room doors. The Board stated they liked the new credenza and additional chairs.

**Staff Parks** Director Dewton reported that some singletree residents are planting rocks near the roads that could cause damage in the winter as the rocks will freeze and cause problems for the snowplows. Director McInerny suggested implementing a regulation of forbidding rock planting near the road. The Board requested Mr. John Carlson to drive through the neighborhood and determine which property owners have planted rocks too close the road.

**Tree Care** The Board reviewed the tree care proposals from Brush Creek Landscaping and Mountain Valley Ventures. Director McInerny noted that is very hard to compare the two proposals due the differences in the descriptions of each job and so it is difficult to determine what is included in each price. However, Director McInerny showed a preference towards employing Mountain Valley Ventures because they seem to offer more services and have documented their licenses. Director Cohen suggested creating a tree care vendor template for tree care bidders to fill out so it will much easier to compare bids from different vendors. The Board agreed with Director Cohen and suggested that once the new vendor template is created, Mr.

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## RECORD OF PROCEEDINGS

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### Berry Creek Metropolitan District April 26, 2005 Meeting Minutes

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Dan Carlson should have the vendors fill out the new form. The Board also agreed that Mr. Dan Carlson should be given the authority to choose the vendor after reviewing the new comparable bids. By motion duly made and seconded it was unanimously

**RESOLVED** to empower Mr. Dan Carlson to employ either Brush Creek Landscaping or Mountain Valley Ventures, after reviewing the comparable bids.

#### **New Business**

##### **Hiking**

##### **Trails**

The Board discussed installing stairs on a portion of the Mesquite Trail. Mr. Dan Carlson's staff update report noted that he could install the stairs for \$2800, including materials. By motion duly made and seconded it was unanimously

**RESOLVED** to utilize the services of Mr. Dan Carlson to install stairs on a portion of the Mesquite Trail for a cost not to exceed \$3000.

##### **Wildlife**

##### **Concerns in**

##### **Singletree**

Director Dewton reported Raymond Blesz, a Singletree resident, has expressed concerns regarding the Wildlife in Singletree. Director Cohen stated he would write a letter in response to his concerns.

##### **Park**

**Improvement** Director McInerny introduced the idea of installing a climbing structure on the playground in Chip Ramsey Park. The Board agreed it was an interesting idea and requested she provide more specific information regarding pricing.

#### **Old Business**

##### **Eagle River**

##### **Preserve**

Director Pinney reported that Eagle County, Eagle Valley Land Trust, and the Vail Valley Foundation are negotiating the terms of an agreement with regard to the conservation easement, ownership of the land, and the future management plan for the Eaton Ranch parcel. The Board indicated that the District's pledge is contingent upon receipt of satisfactory documentation addressing these issues.

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## RECORD OF PROCEEDINGS

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### Berry Creek Metropolitan District April 26, 2005 Meeting Minutes

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#### Open Space

##### Advisory

##### Committee

Mr. Marchetti gave a presentation regarding the history of the Open Space Advisory committee noting that Lake Creek Metropolitan District had never been included in the nominee selection process for the Edwards's community representative. The Edwards area metropolitan districts have been discussing possibly jointly nominating one candidate rather than each district nominating a separate candidate. However, if only one candidate is nominated, the County Commissioners are not obligated to endorse that candidate although there may be political pressure to endorse one candidate. After consideration, the Board decided to continue with the nomination of Director Pinney and the other districts can each nominate their own candidate.

**Speed Bumps** Director Cohen reported that he still needs to talk to Helen Migchelbrink with Eagle County Engineering regarding approval to install a speed platform on Winslow road, north of the Mesquite and Winslow intersection.

#### Legal

##### Water

##### Lease

The Board considered the proposed lease of the District's surplus water rights to the Upper Eagle River Water Authority and requested additional information regarding the water rights that have been conveyed to the Sonnenalp Golf Club and whether the district is responsible to provide water to the Berry Creek 5<sup>th</sup> filing. The Board tabled this matter pending receipt of this additional information.

#### Financial

##### Report

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

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

#### Accounts

##### Payable

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

**RESOLVED** to approve the April 26, 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

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**RECORD OF PROCEEDINGS**

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**Berry Creek Metropolitan District April 26, 2005 Meeting Minutes**

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**RESOLVED** to adjourn the Regular Meeting of the Berry Creek Metropolitan District Board of Directors this 26th day of April 2005.

Respectfully submitted,

Bethany Palmer  
Secretary for the Meeting