
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District July 26, 2005

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

Also in attendance were:

- Ken Marchetti, CPA, Robertson & Marchetti, PC
- Bethany Palmer, Secretary for the Meeting
- John Perkins, JMP Architects
- Glen Wood, Canwest L.L.C.
- George Gregory, Singletree Property Owner

Call To Order

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

Minutes The Board reviewed the minutes of the June 28, 2005 Regular Meeting. By motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the June 28, 2005 Regular Meeting as presented.

Changes to

The Agenda Discussion regarding Balata's noise level was added to the agenda.

Public Input

Bike Path

Mr. George Gregory, a Singletree property owner, came before the Board to retrieve feedback regarding the bike path located east of the intersection between Berry Creek Road and June Creek Road. Mr. Gregory stated the path currently crosses the property he is developing but there is no easement

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for the path across the property. Mr. Gregory indicated he would be willing to permit the path to remain on the property if the District would like to keep it or it could be removed. Mr. Gregory commented that he would prefer to remove the path to aesthetically improve the development of his property. The Board commented that the path is misleading in that it dead ends and agreed to consent to the removal of the bike path.

Hackamore

Berm

Mr. John Perkins, owner of JMP Architects and Mr. Glen Wood, a representative of Canwest, L.L.C., the developer and owner of Lot 2, 0068 Hackamore appeared before the board to review and finalize the terms of the encroachment agreement between Berry Creek Metropolitan District and Canwest, L.L.C. The agreement allows for a berm to be constructed on District property adjacent to 0068 Hackamore subject to the District's outlined conditions. Mr. Wood agreed to the terms of the agreement. By motion duly made and seconded it was unanimously

RESOLVED to approve the encroachment agreement as submitted and to authorize any District officer to execute the agreement on behalf of the District.

Staff Parks

Director Cohen reported that the step enhancement on Mesquite Trail is completed. He also stated that he has received positive remarks regarding the improved safety of the trail.

Staff SCC

Director Cohen reported that Ms. Beth Reilley, the WECMRD coordinator, has inquired about using the community center at no cost for preschool activities. The Board raised some possible issues such as who would be responsible for clean-up and would the kids be big enough to use the adult bathrooms. The Board requested that Mr. John Carlson find out more information regarding the proposed activities.

New Business

Freedom Park

Donation

Request

The Board reviewed the donation request from the Freedom Park Memorial Committee to help fund the proposed \$2.4 million park and memorial. The Board decided to table the matter for further consideration.

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Old Business

Balata's

Noise Level It was reported that a few singletree residents will be closely tracking the noise level at Balata and will continue to make efforts to control the noise level by voicing concerns to appropriate parties such as the Eagle County Code Enforcement Office.

Playground Equipment

Director McInerny presented a finalized estimate by Made in the Schade in the amount of \$32,220.50 for installation of the proposed playground climbing structures that could be installed on the playground in Chip Ramsey Park. Director McInerny also presented photographs of a similar climbing structure combination that is located on the Cordillera playground. After review and discussion and by motion duly made and seconded it was unanimously

RESOLVED to authorize the purchase of the playground climbing structures from Made in the Schade in the amount of \$32,220.50.

Director McInerny volunteered to coordinate the purchase and installation of the structures.

Eagle River Preserve

Mr. Marchetti reported that the Vail Valley Foundation is continuing to work with Eagle Valley Land Trust on the specific terms of the conservation easement. The Board reiterated their desire to review the conservation easement prior to formalizing their pledge toward the purchase.

Long Range Community Plan

Director Cohen reported that he is working on organizing a focus group to begin the brainstorming for a long term community plan for Singletree.

Legal

Water Lease

Mr. Marchetti reported he has not concluded the research related to the supplemental water lease and requested that this item be tabled until next month.

Financial Report

The June 30, 2005 Financial Statements were reviewed by the Board. By motion duly made and seconded it was unanimously

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RESOLVED to accept the June 30, 2005 financial statements as presented.

**Accounts
Payable**

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

RESOLVED to approve the July 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

RESOLVED to adjourn the Regular Meeting of the Berry Creek Metropolitan District Board of Directors this July 26, 2005.

Respectfully submitted,

Bethany Palmer
Secretary for the Meeting