
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District August 23, 2005

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on August 23, 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 McInerney
- Evelyn Pinney
- Doris Dewton

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
- Charlie Dolan, Builder – Filing 4, Block 2, Lot 35
- Peter Burgh, Resident and former Director

Call To Order

The Regular Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Director Cohen, on August 23, 2005, at 3:30 p.m. noting a quorum was present.

Minutes

The Board reviewed the minutes of the July 26, 2005 Regular Meeting. By motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the July 26, 2005 Regular Meeting as presented.

Changes to

The Agenda Discussion regarding SPOA's annual meeting was added to the agenda.

Public Input

Foal Circle

Easement

Mr. Charlie Dolan, the builder for Filing 4, Block 2, Lot 35 came before the Board to discuss the access trail easement that Berry Creek Metropolitan

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District placed on the property that he is currently developing. Mr. Dolan explained that he wants to clarify the specifics of the easement with regard to landscaping. The Board requested that Mr. Dolan coordinate landscaping with the neighboring property and to obtain a proposal from his landscape contractor to landscape the District's path in conjunction with the installation of the landscaping for the rest of the lot. The Board tabled this matter pending receipt of the proposal from Mr. Dolan's landscape contractor.

Speed Limit Signs

The Board noted that various speed limit signs in Singletree have been corrected.

Staff Parks

The Board reviewed the proposal by Keeton Industries in the amount of \$5,078.79 to install an aeration system in Charolais Circle pond to correct the odor problem. After discussion, the Board agreed to accept the proposal from Keeton Industries to install the aeration system for \$5,078.79 and directed Mr. Dan Carlson to proceed with the installation.

New Business

SPOA Annual Meeting

The Board noted that the Singletree Property Owner's Annual Meeting is scheduled for Wednesday, August 24, 2005. Director Cohen will provide a District Update at the SPOA meeting including the board room upgrade, new playground equipment in Chip Ramsey Park, installation of the new speed bumps, and the enhancement of Mesquite Trail. The Board also discussed casting the votes for each of the District's properties and by motion duly made and seconded it was unanimously

RESOLVED to authorize Director Cohen to cast the ballots for each of the District's properties in the SPOA election.

Old Business

Eagle River Preserve

The Board discussed the status of the conservation easement and noted that Eagle County, Eagle Valley Land Trust, and the Vail Valley Foundation are very close to finalizing the terms of the conservation easement. By motion duly made and seconded it was unanimously

RESOLVED to approve a contribution in the amount of \$100,000 to be used by Vail Valley Foundation for the acquisition of the Eaton Ranch

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parcel. Such funds are to be delivered along with a letter specifying that the funds are being provided based on the understanding that the land will be acquired and maintained for public benefit and for non-exclusive use by the District's constituents and that the funds will only be used if the conservation easement with the Eagle Valley Land Trust is recorded as a part of the transaction. If these conditions are not met, the Title Company is to return the District's funds to the District.

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

The Board reviewed the supplemental water lease between the District and the Upper Eagle Regional Water Authority and by motion duly made and seconded it was unanimously

RESOLVED to approve the supplemental water lease and to authorize its execution.

Financial Report

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

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

Accounts Payable

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

RESOLVED to approve the accounts payable list as presented.

UERWA

Director Dewton reported that the Authority purchased some water rights from the Flat Tops area to supplement its water supply. This purchase allows the Authority to access water from the Yampa River drainage and to divert that water into the Colorado River basin so it can be used to meet the Shoshone Power Plant call which permits the Authority to use more water in the Eagle River basin.

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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 August 23, 2005.

Respectfully submitted,

Bethany Palmer
Secretary for the Meeting