
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District August 26, 2008

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on August 26, 2008 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
- George Gregory
- Heather McInerney

The following Director was absent and excused:

- Mike Budd

Also in attendance were:

- Ben Gerdes, Eagle County Engineering
- Eileen Jacobs, Community Manager
- Ken Marchetti, CPA, Robertson & Marchetti, P.C.
- Cheri Curtis, Secretary to the Meeting

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 26, 2008, at 3:40 p.m. noting a quorum was present.

Minutes

By motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the July 22, 2008 regular meeting as presented.

Agenda

Under new business an item was added for Ben Gerdes with Eagle County Engineering Department to discuss right of way for the construction of the roundabouts at the main entrance and a request from the Eagle River Watershed Council for a contribution was also added.

The Edwards Skate Park was added to old business.

Public Input

No public present.

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Staff Reports

Ms. Jacobs has worked with Mr. Carlson to present a written report on the District operations that was included in the Board packet.

Director Dewton questioned the process to repair the light at the intersection of Bronco and Mustang Drive. Shaw Electric is working to repair the problem. It has been determined the line was cut by Comcast when they were installing new lines at that location. Director Gregory suggested the District file a claim against Comcast.

Mr. Carlson requested direction from the Board for the tree trimming guidelines. The Board delegated establishment of tree cutting guidelines to the Beautification Committee.

The Board previously agreed to split the cost to vegetate the berm on Prairie Circle with the property owner. A construction estimate has been completed and the District cost is anticipated to be \$5,000, which is half the original estimate.

The Board discussed updating the signs throughout the District. Director Dewton reported the Beautification Committee is utilizing Ken Berg to develop a proposal to create a landscaping plan for the Community. Director Dewton suggested the plan could address signs. It is anticipated a Community Landscape Plan will cost \$25,000. The Board will discuss implementing the improvements during the budget process.

West Entrance Improvements

Ben Gerdes with Eagle County Engineering Department presented plans for the construction of roundabouts at the Edwards I70 interchange. The proposed alignment of the road will require the use of land that is owned by the District. The County is requesting the District convey the land it owns under the proposed road footprint and additionally the County will need temporary construction easements during the construction period. Mr. Gerdes reported the County may be willing to bury conduit which could be used in the future to bury the overhead electric power lines or to exchange certain landscape improvements for this land.

Director Dewton questioned the replanting of spruce trees at the entrance. Mr. Gerdes suggested relocating the trees to the northwest side of the new roundabout to buffer the homes in that vicinity from the new roundabout.

Eagle County has prepared a proposed Memorandum of Understanding (MOU) for the land acquisition that is being reviewed by Matt Dalton, the District's

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attorney. The Board acknowledged that the new roundabouts will be a significant benefit to the community but also requested that language be added to the MOU indicating the trees will be relocated and the District will receive certain other landscaping improvements in exchange for the land.

Mr. Gerdes questioned if the Board had any interest in retaining any of the material at the entrance. The Board agreed to save the stone entrance sign

By motion duly made and seconded it was unanimously

RESOLVED to approve and authorize any office of the District to sign the Memorandum of Understanding agreeing to dedicate the land at the entrance needed for the roundabouts with the understanding that the County will relocate the spruce trees at the entrance, relocate the creek, and provide all hardscapes, with the approval being subject to receipt of legal counsel's approval.

Charolais Circle

Residents

Request

The Board reviewed the request from the residents on Charolais Circle. The smaller items will be addressed through routine maintenance, the larger items will be discussed during the budget process. It was agreed that some items are not obtainable. Discussion followed on the benefit of keeping the pond aerated to avoid odor issues and it was agreed to not allow the pond to freeze over.

1998 TABOR

Election

The Board reviewed the opinion letter from Mr. Dalton stating the District did not violate any election laws during the 1998 Election.

Speed Awareness

Signs

Ms. Jacobs is pricing speed awareness signs and will report back to the Board.

Singletree/Avon

Open Space

Director Cohen reported that a trade with the U.S. Forest Service and State Land Board has been announced which will dedicate the USFS land between Singletree and Avon and the State Land Board section north of Singletree as permanent open space. Mr. Cohen noted that appraisals are needed and that it will be a lengthy bureaucratic process but when completed the open space will be a huge benefit to Singletree and to the Valley.

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Trails Director McNerny is now chairing the Trails Committee and is scheduling a committee meeting to discuss establishment of a trails improvement plan for the upcoming year.

ICMA Retirement

Plan The Resolution adopting the ICMA Retirement Plan was distributed for the Board to review. It was noted the Resolution was approved at the July meeting.

**Edwards
Community
Authority**

Cordillera has agreed to become a participant in the Authority. The document forming the Authority is being distributed to the various District attorneys for approval. WECMRD has agreed to not be a participant as long as the Authority acknowledges its recreation power over Edwards, Lake Creek and Cordillera. The voting percentages have been changed to reflect the amount being contributed by each District.

Winslow Road

Underpass Concrete Works of Colorado was the low bidder for the Winslow Road underpass project. The bid came in slightly under \$3.2 million for hard costs plus there will be approximately \$800,000 of soft costs for a total project budget of \$4 million. The soft costs are much higher than originally expected due to additional requirements being imposed by CDOT. By motion duly made and seconded, it was unanimously

RESOLVED to approve the construction contract with Concrete Works of Colorado for construction of the Winslow Road Underpass Project for a total contract cost not to exceed \$3.2 million and to authorize any member of the board of directors to execute the contract.

**Eagle River
Clean-Up**

The Eagle River Watershed Council has requested funds from the District for clean-up projects on the Eagle River. After discussion, the Board declined to contribute funds.

**Edwards
Skate Park**

Director Cohen stated that Rick Cook needed a formal resolution from the District to present to Eagle County relating to the funding of the Edwards Skate Park. By motion duly made and seconded it was unanimously

RESOLVED to approve contributing \$40,000 to the expansion of the skate park at Freedom Park.

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Budget

Work session The Board agreed to meet on October 15, 2008 at 12:00 p.m. for a budget work session.

Meeting Dates

And Times The Board agreed to move the October meeting to October 17 at 8:30 a.m. All future meetings will move to 8:30 a.m. on the 4th Tuesday of each month. By motion duly made and seconded, it was unanimously

RESOLVED to change the regular meeting times from 3:30 p.m. on the fourth Tuesday of each month to 8:30 a.m.

FURTHER RESOLVED to cancel the regular meeting scheduled for October 28 and schedule a special meeting on October 17 at 8:30 a.m.

Financial Report

The July 31, 2008 Financial Statements were included in the Board packet. By motion duly made and seconded it was unanimously

RESOLVED to accept the July 31, 2008 financial statements as presented.

Accounts Payable

The Board reviewed the August 2008 accounts payable lists. By motion duly made and seconded it was unanimously

RESOLVED to approve the August 2008 accounts payable list as presented.

UERWA

Director Dewton reported with the heavy snowpack and large spring run-off, the UERWA had no problems delivering water to consumers this summer. Legal items are still being resolved.

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 26th day of August, 2008.

Respectfully submitted,


Cheri Curtis

Secretary for the Meeting