
RECORD OF PROCEEDINGS

**Minutes of the Regular Meeting
Of the Board of Directors
Berry Creek Metropolitan District
February 28, 2006**

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on February 28, 2006 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
- Evelyn Pinney
- Sandy Donnelly
- Doris Dewton

The following Director was absent and excused

- Heather McNerny

Also in attendance were:

- Ken Marchetti, CPA, Robertson & Marchetti, PC
- Bethany Palmer, Secretary for the Meeting
- Chuck Powers, SPOA President
- Tom Stone, Eagle County Commissioner

**Call To
Order**

The Regular Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Director Cohen, on February 28, 2006, at 3:30 p.m. noting a quorum was present.

Minutes

The Board reviewed the minutes of the January 24, 2006 Regular Meeting. By motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the January 24, 2006 Regular Meeting as presented.

**Changes to
The Agenda**

Discussion regarding Balata's noise level was added to the agenda for discussion.

Public Input

**Spray Park
Proposal**

A spray park is being considered for Freedom Park in Edwards. The concept is designed to circulate water stored underground and shoot random sprays from a designated pad for cooling off and getting wet. Mr. Stone, an Eagle County

RECORD OF PROCEEDINGS

Berry Creek Metropolitan District February 28, 2006 Meeting Minutes

Commissioner, gave a presentation of the spray park proposal. The total cost of construction for the proposal is estimated to be \$115,250 for a 25 foot diameter pad. The estimated operation costs are expected to be \$2,400 per year. Commissioner Stone stated that he would like to see a funding partnership between WECMRD, Edwards Metropolitan District, and the District. Director Cohen commented that the District is considering other projects that have a higher priority such as funding the engineering design of the roundabouts at I-70 and the Edwards Spur Road. The Board noted that the District did not budget for the expenditure in 2006 but would like to consider the project in the 2007 budget.

Staff

CC

The Board discussed Mr. John Carlson's request to discontinue the requirement of a \$150 deposit for an exercise room key. Electronic locks have eliminated the need for keys. After discussion, the Board agreed to discontinue the key deposit requirement and instructed staff to return the existing deposits.

Admin

Position

Mr. Chuck Powers, President of Singletree Property Owners Association, reported that the Association is not ready to participate in the creation of a new community center administrative position at this time. Director Donnelly commented that with all the possible upcoming community center projects, the District should postpone the creation of a new position until more information regarding the future of the community center is known.

Old Business

Speed

Bumps

Director Cohen suggested conducting a poll by email to get suggestions from the community for possible locations for speed bump installations. The Board decided to table the matter for further discussion at a later time.

Long Range

Community

Plan

The board discussed the possibility of improving the community center which could include a new workout facility, coffee shop, and post office. The Board agreed to meet with Ron Brave, a Cordillera resident, on March 14, 2006 at 12:00 p.m. to evaluate and retrieve information about Cordillera's coffee shop and post office set up.

Balata's

Liquor License

Renewal

It was reported that Berry Creek residents are continuing to be adversely affected by the high noise levels at Balata. It was also reported that the Eagle County

RECORD OF PROCEEDINGS

Berry Creek Metropolitan District February 28, 2006 Meeting Minutes

Liquor Control Board has scheduled a hearing to review the renewal of Balata's liquor license. The Board agreed to draft a letter to the Board of County Commissioners to address the neighborhood concerns with respect to noise that has caused complaints from several residents on several occasions.

Legal

Minturn's Water Rights Application Resolution

The Town of Minturn has filed an Application for Changes of Water Rights seeking to change or enlarge upon Minturn's water rights in the Eagle River Basin. In addition, they have also filed an application for new Ground Water Rights seeking new water rights and the right to store additional water in the Eagle River basin. Mr. Marchetti presented a resolution for consideration by the Board authorizing the District's water counsel to file a statement of opposition to the Town of Minturn's two water right applications in order to maintain a position in the case. After discussion and by motion duly made and seconded it was unanimously

RESOLVED to approve the Resolution directing the District's water counsel to file statements of opposition to the Minturn Water Change Cases.

Financial Report

The January 31, 2006 Financial Statements were reviewed by the Board. By motion duly made and seconded it was unanimously

RESOLVED to accept the January 31, 2006 financial statements as revised.

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 there is a new development going in on the east side of the South 40 subdivision. As a condition of approval of this new subdivision, the developer will be required to pave certain roads in South 40. The water distribution system in South 40 is constructed of plastic pipes which will need to be replaced and the replacement of these water lines will be the responsibility of UERWA. Long term it will be much more cost effective to replace the South Forty water lines prior to the roads being paved. However, the

RECORD OF PROCEEDINGS

Berry Creek Metropolitan District February 28, 2006 Meeting Minutes

replacement of these water lines is not in UERWA's 2006 budget and so UERWA is analyzing the cost to replace the water lines and seeking funding assistance for this project from Edwards Metro District.

SPOA Mr. Chuck Powers, President of Singletree Property Owners Association, reported that the West Avon Forest Service Parcel located between Avon and Singletree is listed by the Forest Service as a potential trade parcel. The objective of SPOA's Trails Committee is to work with the Forest Service to construct trails and enhance and document the public use of the West Avon Forest Service Parcel so that this information can be used to influence the Forest Service to resist a potential trade of that parcel.

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 February 28, 2006.

Respectfully submitted,

Bethany Palmer
Secretary for the Meeting