
RECORD OF PROCEEDINGS

**Minutes of the Regular Meeting
Of the Board of Directors
Berry Creek Metropolitan District
June 24, 2008**

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on June 24, 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
- Heather McInerny
- Doris Dewton
- Mike Budd
- George Gregory

Also in attendance were:

- 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 June 24, 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 May 27, 2008 regular meeting as revised.

Agenda Director McInerny added the Edwards Interchange under old business.

**Public
Input** No public present.

Committees The Board discussed the benefits of utilizing committees to address community issues in Singletree and the Edwards area and the importance of Board member participation on committees. It was agreed to appoint Directors to committees as needed.

**Staff
Reports** There was no report on the Community Center.

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Dan Carlson's report was included in the packet and reviewed by the Board. It was noted the large item on the report was the purchase of bear-proof trash cans for the District's parks. Director Gregory requested that in the future Vail Honeywagon be contacted for trash removal items before going to outside sources since Vail Honeywagon has provided free service to Singletree on clean-up days.

Singletree/Avon Open Space Parcel

The property between Avon and Singletree is currently owned by the Forest Service but is available for purchase. The Town of Avon is hoping to obtain the land from the Forest Service to maintain open space on the property. The parcel appraised at \$7 million. The Town of Avon has unofficially requested \$500,000 from the District towards purchase of the parcel. Director Gregory suggested the District offer up a sum with a memorandum of understanding that Singletree could not be annexed by the Town of Avon unless the District makes that request.

WECMRD Sponsorship

WECMRD has requested a contribution of \$10,000 for 2008 to offset the cost of running youth recreational programs. The Board agreed to participate noting \$10,000 for recreational programs was included in the 2008 budget. The Board will request a revised agreement removing the clause that allowed the contract to automatically renew annually unless cancelled by either party and restricting the use of funds to equipment only. The District declined the opportunity to be recognized on shirts or banners.

Miller Road

Improvements An agreement between Eagle County, the Eagle County School District, and Edwards Metropolitan District and Berry Creek Metropolitan District to improve the intersection of Miller Ranch Road and the Charter School Road was submitted for approval by the Board. Mr. Dalton has reviewed and approved the agreement. Under the agreement, the costs will be split 1/3 to the School District, 1/3 to the County and 1/6 each to Edwards Metropolitan District and Berry Creek Metro District with a cap of \$225,000 total cost. By motion duly made and seconded it was unanimously

RESOLVED to approve and authorize any officer of the District to execute the above described agreement.

Edwards Interchange

There is a change order of \$73,402 to the Felsburg, Holt and Ullevig engineering contract for the engineering design of the Edwards interchange improvements. This change order has been negotiated extensively by the County. The primary

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need for the change order is for things like the addition of a sub-contract for the preliminary design of the landscape improvements. The cost will be borne ½ by Eagle County and the other half will be distributed according to the cost share agreement between the Edwards area Districts with Berry Creek's share being approximately 21% of the Metro District's half. By motion duly made and seconded it was unanimously

RESOLVED to approve funding the District's portion of the above described engineering design change order upon receipt of the invoice.

Trails

Director McInerny updated the Board on the plans to improve the Knob Hill trail adjacent to the District. The design for the trail will be completed this summer with construction planned for the fall of 2008. The Motocross Flats trail will be re-vegetated this summer. The Nottingham trail will be designed by the end of 2008. In 2009 the Lower June Creek trail will be redesigned with switchbacks to prevent further erosion. Lee Rimel will be taking over Mr. Powers' position as the SPOA representative for community trails.

Open Space Committee

The road on the Eagle River Preserve is being completed with the treatment of magnesium chloride. There are plans to host an open house in September 2008 to showcase the property to the public with the property being formally open to the public in 2009 after the correct signage and all the necessary improvements are completed.

Discussion followed on funding road improvements in the Edwards area, specifically as it relates to open space access.

ECA

Mr. Marchetti updated the Board on the recent discussions related to funding sources for road improvements. A meeting is scheduled for July 21 with Bruce Baumgartner to discuss formation of a local improvement district or a regional transportation authority.

OSAC

Edwards Metropolitan District has expressed their support for Ellen Eaton as the OSAC representative for the Edwards area. Berry Creek is supporting Joe LeBeau. A vote will be required at the Edwards Community Authority meeting to make a selection.

Winslow Road

Underpass

Director Budd reviewed an e-mail from Sara Flick with the Board which indicates progress has stalled and the parties still don't have the permit from CDOT to begin construction. Director Budd stated the District needs to put pressure on CDOT to obtain the permits. If construction is not started in August, the project

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will not be completed in 2008 and with the Edwards interchange roundabout project planned for 2009, it could have an adverse impact on the access to Singletree in 2009.

**Financial
Report**

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

RESOLVED to approve the May 31, 2008 financial statements as presented.

**Accounts
Payable**

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

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

SPOA

There was no report since the June meeting is scheduled for June 25. Director Cohen is working Mr. Powers to schedule a Community meeting to review the survey results.

UERWA

The Board reviewed the recent water line breaks in the District. It was noted the water system was conveyed to Upper Eagle Regional Water Authority who will be responsible for the repairs.

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 24th day of June, 2008.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting