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## RECORD OF PROCEEDINGS

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### Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District May 26, 2009

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on May 26, 2009 at 3:00 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
- Mike Budd
- Doris Dewton
- George Gregory

Also in attendance were:

- Steve Russell, WECMRD
- John McCaulley, WECMRD
- Susan Weber, SPOA
- Eileen Jacobs, Community Manager
- Ken Marchetti, 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 May 26, 2009, at 3:00 p.m. noting a quorum was present.

**Minutes**

By motion duly made and seconded it was unanimously

**RESOLVED** to approve the minutes of the April 28, 2009 Regular Meeting as revised.

**Changes to  
Agenda**

Director McInerny reported execution of the Knob Hill Trail Access License Agreement with the Sonnenalp Golf Course is near completion. The exercise room updates will be discussed.

**Public  
Input**

There was no public input.

**WECMRD**

WECMRD representatives, John McCaulley and Steve Russell, attended the meeting to discuss the construction of the Miller Ranch Field House. The Field

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House will be a 5,700 square feet building with a water tap fee of \$14,500, which will be paid to the District. WECMRD will pay the tap fees and request the District donate funds to the project.

The Field House will be a multi-use facility that will include a gymnastics area, an indoor soccer field, and an indoor multi-purpose room for basketball, volleyball, dances, and other indoor activities. There are plans to include a climbing wall, an under five-year old activity area, and a teen center that are not currently funded. WECMRD is seeking partners to contribute funds for these areas and is requesting the District consider contributing additional funds to offset the cost of one of these items.

The District is not within the WECMRD boundaries and residents do not pay taxes into WECMRD. WECMRD is currently not charging out-of-District fees to participants. Mr. Russell indicated if and when WECMRD decides to charge out-of-district fees, contributions from the District could assist with delaying charging Singletree residents those fees.

The Board stated that with the I-70/Edwards Spur Road improvement project, the Board will need to review the budget to determine if any funds are available for the Field House project. Mr. Russell and Mr. McCaulley left the meeting at 3:45 p.m.

Discussion followed on contributing the tap fees back to WECMRD, paying out-of-District fees, and formalizing an agreement with WECMRD that would guarantee residents would pay in-District fees if funds are donated to the Field House. By motion duly made and seconded it was unanimously

**RESOLVED** to contribute an amount equivalent to the water tap fee received to WECMRD to defray costs of construction of the field house.

#### **Credit/Debit Cards**

Ms. Jacobs has requested a debit or credit card for making online purchases for the District. Mr. Marchetti suggested establishing procedures with receipts submitted as back-up for all expenses. The Board agreed to allow a debit card to be used by the Community Manager, subject to strict internal controls over its usage.

#### **Community Center Reports**

Mr. Carlson's report was included in the packet and reviewed by the Board. With the speed limit sign being installed on Charolais Circle, Susan Weber requested

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the County add signage to make motorist aware of pedestrian traffic on Charolais Circle.

Ms. Jacobs reported a number of Community Cards are being issued to residents. The new exercise equipment has been installed and Ms. Jacobs has received several requests for exercise room codes.

#### **Exercise Classes**

The Sonnenalp Golf Club is no longer willing to contribute funds for the exercise classes. The current instructors are willing to provide classes and Ms. Jacobs stated it would cost the District \$7,500 annually to schedule four classes a week. Ms. Jacobs suggested offering additional classes and issuing punch cards that would cover the costs of additional classes. Discussion followed on whether the District wanted to provide recreation programs, and if so, to what level. It was agreed that classes provided at the Community Center will be only for Singletree residents. The Board discussed the need to provide the four classes consistently in the morning on a trial basis as a pilot program and if the instructors want to provide any additional classes, they will need to rent the center.

#### **Edwards Road Improvements**

The Edwards Community Authority will be holding a meeting at the Community Center on June 9th from 5 – 7 p.m. to present information on the Roundabout project for the Edwards I-70 Interchange.

#### **Winslow Road**

**Construction** Director Gregory inspected the staining sample for the wall upon the request of a resident and suggested reviewing the color to make it is compatible with Singletree DRC approved colors. The Board agreed that Chris Dunn and Director Gregory should be involved in choosing the color for the stamped walls. Director Budd reported the anti-graffiti material is brassy and expensive and recommended not including it in the project.

With June 19 being the date the contractor begins to incur penalties for untimely completion, Director Budd anticipates Concrete Works of Colorado will complete the project by that date. The asphalt pour is scheduled for the second week in June. The concrete and heavy landscaping should be completed prior to the pouring of the asphalt.

Director Dewton stated the first phase of the beautification process will be started when the Winslow Road project is completed.

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#### **Financial Report**

The April 30, 2009 Financial Statements were included in the Board packet. By motion duly made and seconded it was unanimously

**RESOLVED** to accept the April 30, 2009 financial statements as presented.

#### **Accounts Payable**

The Board reviewed the May 2009 accounts payable lists. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the May 2009 accounts payable list as presented.

#### **Long Range Financial Plan**

Mr. Marchetti reviewed the long-range financial plan with the Board. The District's assessed value will increase in 2010 by approximately 10% to \$86,000,000. For the long-range plan assumptions, Mr. Marchetti assumed the assessed value will be reduced in 2012 and suggested the Board consider a temporary mill levy credit for the operating mill levy for 2010 and 2011. The debt service mill levy will be reduced in 2010 and 2011 and increased in 2012 to 2015 to keep property taxes consistent. Director Budd requested that additional iterations of the plan be prepared looking at greater decreases in the assessed value.

Director Dewton questioned the amount of the District's contribution to the entrance round-a-bout project in the long-range plan. Discussion followed on the landscaping project at the entrance and an anticipated budget amount. The Board will continue to monitor the plans for construction of the entrance round-a-bout project and determine a budget number during the planning process.

#### **SPOA**

The SPOA Board discussed the process of the lawsuits at the last meeting. The SPOA Board is reviewing the budget with plans to reduce costs. SPOA anticipates e-mailing correspondence will reduce printing and postage costs.

Covenant violations are being discussed and resolutions pursued.

#### **Beautification Committee**

The committee will meet this Friday, May 29, to review plans for Phase I so they can be sent out to bid in June. The detailed water plan needs to be presented to Neil Tretter with the Sonnenalp Golf Club. Mr. Dunn is working with the utility providers to establish an acceptable plan to screen utility boxes.

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**UERWA**

**Report**

Director Dewton reported there is a meeting this week with State representatives related to water depletion issues.

**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 May, 2009.

Respectfully submitted,



Cheri Curtis

Secretary for the Meeting