
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District November 23, 2004

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on November 23, 2004 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
- Heather McInerney
- Sandy Donnelly

The following Director was absent and excused:

- Evelyn Pinney

Also in attendance were:

- Ken Marchetti, CPA, Robertson & Marchetti, PC
- Kathy Lewensten, Robertson & Marchetti, PC
- Bethany Palmer, Secretary for the Meeting
- Reese Johnson, SPOA President

Call To Order

The Regular Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Director Cohen, on November 23, 2004, at 3:30 p.m. noting a quorum was present.

Minutes

The Board reviewed the minutes of the October 26, 2004 Regular Meeting. By motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the October 26, 2004 Regular Meeting as presented.

Future Meetings

The Board cancelled the December meeting unless circumstances create the need to meet. The next regular meeting will be January 25, 2005.

Changes to the Agenda

Discussion regarding rental of the Community Center office space was added to the agenda under New Business.

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Staff SCC The Board discussed Mr. John Carlson's suggestion to install doors with locks on the kitchen counter island. It was noted this would improve the safety and security of the kitchen area. The Board agreed this would be a positive improvement for the kitchen area and will take the matter under consideration.

Mr. Carlson has suggested that an action item list be provided to him after each board meeting to assure he is informed of the Board's requests and decisions regarding the Community Center. Director Cohen directed Miss Palmer to be responsible for providing the action item list to Mr. Carlson as needed.

The Board was informed and expressed delight that the wireless router and DSL service were in the process of being installed in the community center. The wireless router will be located in the storage room.

Staff

Maint/Parks Director Cohen reported that one of the streetlights located at June Creek and Rowl is out. He requested that Miss Palmer inform Mr. Dan Carlson of the situation.

The Board communicated their satisfaction with regard to the Christmas tree lighting project as contracted with Steven's Home Care.

2005

Preliminary Budget

The Board reviewed the preliminary 2005 budget. The meeting had been published as the public hearing for the 2005 budget. The Public hearing was opened. No public input was offered and the hearing was closed. The Board had discussed the 2005 budget in detail at the budget work session held in November. The mill levy will include 8.746 mills for general purposes and 7.69 mills for debt service. By motion duly made and seconded it was unanimously

RESOLVED to approve the resolution to adopt the 2005 budget as presented, appropriate funds, and set the mill levy, of which a copy is attached hereto and made a part hereof.

New Business

Director Cohen presented an opportunity to generate additional revenue by allowing The Youth Foundation, of which he is a Board member, to use the Community Center office space. Director Cohen stated the Foundation has been operating out of a personal residence and desires to grow professionally by obtaining office space for an administrative assistant. Director Cohen suggested creating an informal rental arrangement that would allow the Foundation use of the office space, DSL service, and access to the boardroom once per month. The

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Board pointed out this would be acceptable as long as the boardroom has not been requested by other parties. In return, the District would receive \$200 per month in rental income. Director Donnelly raised the question of how many DSL hook ups will exist and if there may be any conflicts with the Foundation for use of the DSL lines. It does not appear there will be any such conflict. The Board also discussed and agreed the Foundation must provide the District proof of proper insurance coverage. By motion duly made and seconded, by a vote of (3) three ayes and (1) one abstention (Director Cohen)

RESOLVED to authorize Director Cohen to negotiate an informal and indeterminate use of the office space as discussed above with the Youth Foundation.

Miss Palmer reported to the Board that a singletree homeowner had called with regard to possibly donating a lot. The homeowner stated he would only be interested if the donation allowed him to take a tax credit. Mr. Marchetti offered to research and discuss the matter with the homeowner.

A letter from Eagle County regarding the progress made at the skate park located in the Berry Creek 5th was handed out for the Board's review.

Old Business

The Board discussed Mr. McSpadden's reimbursement request for the cleaning of his conduit in the amount of \$385 made at the last meeting. Mr. Marchetti stated the District is not obligated to provide a water stub out or a clean conduit; they are placed there for convenience only. After fully researching the matter, the Board concluded it has no obligation to provide a clean conduit. By motion duly made and seconded it was unanimously

RESOLVED to deny Mr. McSpadden's request for \$385 reimbursement for the cleaning of his conduit.

Director McInerny reported she had attended a meeting in Wildridge regarding proposed plans for improving the existing trail which comes towards Singletree or the Holy Cross Energy dirt access road into a second emergency escape route from Wildridge. Wildridge residents, and Town of Avon representatives had attended. Part of the discussion concerned the type and cost of improvements which could be made, such as paving portions of the road or trail. No decisions were made.

Stagecoach Berm

The Board had been notified by Ms. Dunn that Ground Control will be removing the berm when their schedule allows. It was pointed out that Ground Control is

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currently working on the SPOA berm in same vicinity as the Dunn berm. The Board suggested the Dunns be contacted to see if Ground Control would be able to remove their berm at the same time they are building the new berm. The Board directed staff to compose a letter to the Dunn's asking them to contact Ground Control with the above-mentioned request and stating the Boards reasonable expectation the berm would be removed by the end of the year.

Financials The October 31, 2004 Financial Statements were reviewed by the Board. By motion duly made and seconded it was unanimously

RESOLVED to accept the October 31, 2004 financial statements as presented.

Accounts Payable The Board was provided copies of a revised Accounts Payable list. By motion duly made and seconded it was unanimously

RESOLVED to approve the revised accounts payable list as presented.

UERWA Director Dewton presented a memorandum that discussed the Colorado River Compact Call which was reviewed at the last UERWA Board meeting. The Board directed Miss Palmer to scan and email the memorandum to the Board members. The Board reviewed the Districts water rights. It was suggested Mr. Porzak be contacted to review any additional water rights the District may have in addition to what has been leased to UERWA to better prepare the District for the future.

Director Dewton reported the 2005 UERWA adopted budget reflected no increase in water rates or the plant investment fee. The UERWA Board discussed the dilemma of the Edwards plant being underutilized. In addition, Director Dewton reported the Board discussed projects which would be funded by a proposed 2006 bond issue.

Mr. Heilmann, a singletree property owner, had appeared before the UERWA to discuss how his property had been affected by a tank overflow. He will be working with UERWA reps towards a solution. Director Dewton briefly described the issue and proposed solutions.

SPOA Mr. Reese Johnson presented a SPOA update to the Board. He noted SPOA's desire to continue to update the Singletree Community in the form of a newsletter. Director Cohen suggested mailing postcards with headlines and a reference to the Singletree website.

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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 23rd day of November, 2004.

Respectfully submitted,

Bethany Palmer
Secretary for the Meeting