
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District November 23, 2010

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on November 23, 2010 at 9:00 a.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:

- Mike Budd
- Herb Luhman
- Dan Godec
- Heather McInerny
- George Gregory

Also in attendance were:

- Mike Reisinger, SPOA
- Kim Ahmad, Community Manager
- Ken Marchetti, Robertson & Marchetti, P.C.
- Cheri Curtis, Secretary to the Meeting (Via Phone)

**Call To
Order**

The Regular Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Director Budd, on November 23, 2010, at 9:00 a.m. noting a quorum was present.

Minutes

The Board reviewed the minutes from the October 26, 2010 Regular meeting. By motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the October 26, 2010 Regular Meeting with revisions.

Changes to the

Agenda

Director Budd requested moving the WECMRD and sidewalk discussions to the Executive Session.

Public Input There was no public input.

Community

Manager

Ms. Ahmad reviewed the park plan improvements for the next five years with the Board.

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With the Pilates instructor storing equipment in the kitchen, it was suggested installing cupboard doors to hide the equipment. Ms. Ahmad recommended installing a warming oven at the Community Center to make the center more competitive. By motion duly made and seconded it was unanimously

RESOLVED to authorize spending \$1,200 to install a warming oven in the Community Center in place of the existing dishwasher.

Operations Mr. Carlson suggested replacing the aging Community Center refrigerator while updating the kitchen. Director Budd stated the refrigerator will be discussed during the budget process. Director McInenry reminded the Board as the plans for the Community Center are developed, the appliance needs at the Community Center may change.

Mr. Carlson reported the Christmas lights have been installed at the Community Center. The blinds have been replaced in the exercise room.

Stakes have been put in at the intersections where the new landscaping has been installed to delineate the new landscaping in an attempt to protect it from the snow plows.

Mr. Carlson proposed including the cleaning fee in the Community Center rental rates. The Board agreed to include the cleaning cost into Community Center rental rates with the understanding the chairs and tables will be put away by the participant at the end of the event.

SPOA requested the port-o-let be moved closer to the trash cans, which has been accomplished.

Power Line Project

Director Luhman reported the project is proceeding as scheduled. Alpine Engineering is working with staff on approving the pay requests. Weekly meetings are being held. The District's portion of the project will be finished on time with minimal problems and under budget. The project will then be under the supervision of Holy Cross Energy for completion.

Reimbursement

To Hoyo's Several Directors previously met with Eagle County staff to discuss the issues on the Hoyo property related to the I-70 interchange project. County officials at that time explained the easement payment process to the Hoyos.

The District recently received a letter from Eagle County requesting the District reimburse the Hoyo's for the cost of replanting District trees and providing

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irrigation on their property. Director McInerney worked with Scott Sones to get additional trees planted on the property under the Hoyos' direction. Director Gregory suggested sending a letter to Eagle County politely declining payment and explaining the District's participation in getting the trees moved and the expenses of the District to mitigate the construction problems created during the roundabout project. Director Budd suggested having all Directors sign the letter showing unanimity among the Board members.

Director Gregory suggested holding a separate work session with the Eagle County Commissioners to resolve some of the misconceptions between the County and the District.

Beautification

Update

The next phase of the beautification process will be the west entrance roundabout project. The design has been completed and construction drawings are being prepared. The remaining SPOA funds were used to install trees at the entrance.

The Board discussed the proposed logo on the Singletree sign and consistency with the signs at the Winslow Road. It was suggested to have an ad hoc committee review the signs to come up with a plan.

Regarding the landscape installation at the west entrance, it would be most efficient to have the larger project handled by one contractor. Due to the size of the project, it will require bonding. The project will be funded by Edwards Metro, ECA and Berry Creek Metro. Berry Creek Metro has offered to manage the overall project and Edwards Metro and ECA will participate through an intergovernmental agreement. A draft of this agreement is expected to be available by the Board's next meeting.

ERWSC

Request

The District received a copy of a letter requesting funding for the Eagle River Water Shed Council. The letter is from the Town of Avon to UERWA. It was agreed that UERWA should provide the initial response to Avon.

December

Meeting

The Board discussed the need to meet in December and whether attendance by Matt Dalton to meet the Board members would be beneficial. It was agreed the meeting will be held on December 28, 2010 and Mr. Dalton will be invited to the meeting.

Financial

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Report The October 31, 2010 Financial Statements were included in the Board packet. By motion duly made and seconded it was unanimously

RESOLVED to approve the October 31, 2010 financial statements as presented.

2011 Budget The Public Session to review the budget was held at the October 26, 2010 meeting. Director Budd stated the debt service mill levy has been set at a level to cover the debt service and the operating mill levy could be temporarily reduced to keep the overall mill levy rate the same as last year. By motion duly made and seconded it was unanimously

RESOLVED to adopt the 2011 budget; to set the debt service mill levy at 6.354 mills and to set the operating mill levy at 6.823 mills for a total mill levy of 13.177 mills; and to appropriate funds for spending in 2011, all as documented in the formal budget resolution, a copy of which is incorporated herein by this reference.

**Financial
Policy**

The Board reviewed the financial policy drafted by Mr. Marchetti and revised by Director Godec. The financial policy calls for creation of a replacement reserve for items needing to be replaced in future years. The plan also defines the need for an operating reserve. The approved financial policy will be put on the District website. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the Financial Policy for the District as presented.

**Audit
Engagement
Letter**

McMahan and Associates revised the engagement letter for the 2010 audit, reducing the cost to \$5,200. Upon motion duly made and seconded it was unanimously

RESOLVED to approve executing the 2010 audit engagement letter with McMahan and Associates for \$5,200.

**Accounts
Payable**

The accounts payable list was reviewed. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the November 2010 accounts payable list as presented.

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SPOA There was no update.

UERWA Director Gregory reported Mr. Porzak continue to improve after his climbing accident. Tap fee and connection fee rates were distributed at the UERWA meeting. Camp Hale improvements are being discussed.

Joan Fritsche joined the meeting at 10:45 a.m.

ECA Director Godec attended the November meeting. The ECA members discussed the operating and legal expenses on the open space area east of Miller Ranch Road that will be put into a conservation easement. Berry Creek's share of up front costs are estimated at approximately \$5,000 with operating costs estimated at \$500 per year. Upon motion duly made and seconded it was unanimously

RESOLVED to approve contributing matching funds for a conservation easement to be placed on Miller Ranch Tract J (the open space east of Miller Ranch Road and north of Highway 6), contingent on Berry Creek's share of the cost not exceeding \$5,000 and operating expenses not exceeding \$500 annually.

Eagle County estimated \$260,000 to \$270,000 for extending the sidewalk at the roundabout project. CDOT funding for an enhancement grant of \$107,000 was recently received. The District received a request for \$40,000 for the project, with Edwards Metropolitan District and Eagle County contributing the remaining funds needed for the sidewalk project. After discussion the Board directed that a letter responding to the County be prepared.

**Executive
Session**

By motion duly made and seconded it was unanimously

RESOLVED to enter into executive session pursuant to §24-6-402(4)(e) C.R.S. for the purpose of developing strategy for negotiations.

The Board adjourned from the Executive Session at 12:20 p.m.

Adjournment

Upon return from the Executive Session, there being no further business to come before the Board at this time, upon motion duly made and seconded, it was unanimously

RESOLVED to adjourn the meeting of the Berry Creek Metropolitan District Board of Directors this 23rd day of November 2010.

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Respectfully submitted,



Cheri Curtis
Secretary for the Meeting