
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District November 25, 2008

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on November 25, 2008 at 8:30 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:

- Don Cohen
- Doris Dewton
- George Gregory
- Heather McInerney
- Mike Budd

Also in attendance were:

- Dan Carlson, Parks and Community Center Maintenance
- Ken Marchetti, CPA, Robertson & Marchetti, P.C.
- Cheri Curtis, (Via Phone) Secretary to the Meeting
- Diane Levin (for the SPOA report)

**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 25, 2008, at 8:30 a.m. noting a quorum was present.

Minutes

By motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the October 15, 2008 Work Session as submitted. It was further

RESOLVED to approve the minutes of the October 17, 2008 Special Meeting as revised.

**Public
Input**

No public present.

**Staff
Reports**

The speed awareness sign has been ordered and the Board decided on the location for the sign on Charolais Circle.

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The irrigation maintenance project for the trees located on Berry Creek Road has been completed. Mr. Carlson suggested the Board increase the budget in 2009 for irrigation repairs by \$4,000.

Kathleen Stephanoff with Sonnenalp Fine Gardens has decided to close her business. Mr. Carlson received flower bed maintenance proposals for Chip Ramsey and Howard Park. Kathleen Cope with Garden Creations was significantly lower than other bidders. Garden Creations' proposal did not include watering the hanging baskets. Mr. Carlson did not request bids for new perennial plantings or for the front entrance. The Board suggested Mr. Carlson contact Land Designs by Ellison and Green Valley Landscaping for proposals prior to the Board making a decision.

Mr. Carlson is obtaining proposals to paint and caulk the Community Center bathrooms, kitchen and part of the conference room. Those proposals will be presented at a future meeting.

Due to problems with the heating system this fall, Mr. Carlson obtained a proposal from Mountain Meadow Plumbing and Heating for regular maintenance. The proposal allows the District to enter into a one year, two year, or three year contract with financial savings for more than one year. The Board was in agreement to have maintenance provided on the heating system on an annual basis and enter into a one-year contract.

The Board agreed with Mr. Carlson that the vents should be cleaned and requested that proposals be obtained by Mr. Carlson.

A proposal from Impact Graphics & Signs was included in the Board packet that included options to refurbish the existing sign or to create a new sign for the Community Center. Based on the marginal difference in cost, the Board approved the proposal to obtain a new sign. The Board requested the new sign match the existing sign.

Mr. Carlson noted that rentals of the Community Center are down. The Board was not surprised based on the current economic climate.

The proposals from STI to mow the weeds along Berry Creek, June Creek and Winslow Road were presented to the Board. Mr. Carlson suggested the Board add money to the budget for this service based on the number of times the service would be provided. Director Dewton suggested the Board obtain input from the Beautification Committee regarding the frequency of mowing, although it was agreed roadside mowing should be performed at least once a year.

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Sonnenalp Fine Gardens submitted change orders for the 2008 Community Center landscape project and the landscape maintenance at the Community Center. Mr. Carlson recommended the District approve the \$1,200 landscape project change order and discuss the difference in the maintenance contract invoices with Ms. Stephanoff. By motion duly made and seconded, it was unanimously

RESOLVED to have Director Dewton, Mr. Carlson, and Ms. Curtis meet with Ms. Stephanoff to discuss the contracted amount and settle on the final invoice.

Director Dewton questioned the re-vegetation of the property on Hackamore that was damaged during construction. Mr. Carlson suggested having the District hire a contractor to repair the damage and bill the owner. Director Dewton suggested the District should talk to the owner prior to hiring an outside contractor.

Mr. Carlson left meeting the meeting at 9:15 a.m.

Edwards Community

Authority IGA

The Inter Governmental Agreement to form the Edwards Community Authority was presented to the Board for approval. Director Dewton questioned the officers and Mr. Marchetti stated that can be addressed in the bylaws.

Edwards and Arrowhead Metropolitan District have appointed representatives to the Edwards Community Authority. By motion duly made and seconded it was unanimously

RESOLVED to approve the Edwards Community Authority Inter-Governmental Agreement as presented. It was further

RESOLVED to appoint Director McNerny as the District representative and Director Cohen as the alternate representative.

WECMRD Tap Fee

WECMRD has requested the District waive the tap fee for the field house at Miller Ranch. Director Budd noted the District did not waive the tap fees for Colorado Mountain College and the new high school. The Board agreed a precedent has been set and the tap fees should not be waived. It was noted the tap fee funds have been reinvested in the fifth filing.

Exercise Room

A resident has complained about the noise level in the exercise room while private instruction is being given. Director Cohen suggested Ms. Jacobs have a

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discussion with the instructor to make sure they respect other residents when using the exercise room.

Trails

Update

Director McInerny stated Mr. Faessler is still reviewing the agreement for access to the Knob Hill trail across the golf course and has requested changes to the insurance provisions.

Winslow Road

Construction

Director Budd expressed frustration with continuing changes to the contract and construction delays. It was noted that CenturyTel has discovered a hot line on west side of Winslow Road, requiring a change order even though they had previously indicated all hot lines were on east side of Winslow Road.

The payment schedule and approval process were discussed, noting that Ms. Flick would review the pay requests prior to Mr. Budd approving them for payment at the next Board meeting. There was no pay request submitted for payment in November.

2009 Budget

Hearing

It was noted the October 18, 2008 Board meeting was published as the budget hearing for the 2009 budget and the public budget hearing was continued from that meeting to this meeting. The public hearing was opened but with no public in attendance, the public hearing was closed. After review of the budget by the Board, by motion duly made and seconded it was unanimously

RESOLVED to approve the 2009 budget, set the mill levy rates and appropriate funds as documented in the formal budget resolutions, a copy of which is incorporated herein by this reference.

Financial

Report

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

RESOLVED to accept the October 31, 2008 financial statements as presented.

Accounts

Payable

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

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

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SPOA Report

Diane Levine reported the SPOA Board is working on internal restructuring. The SPOA Board expressed appreciation for the thorough communication regarding the closure of Winslow Road. The Board also expressed support for the Beautification Committee as an important enhancement for the community.

The SPOA Board is initiating litigation related to certain covenant violations. SPOA members are working with CDOT with hopes to complete the wildlife fence soon.

Beautification Committee

The slate of candidates to create a landscape master plan has been narrowed down to a short list and applicants will be interviewed between January 20 and the 23rd. The applicants have been asked to submit a design for one intersection which will be reviewed by the Committee in the selection process.

UERWA Report

Director Dewton reported that the indefinite delay in reopening the Climax mine is affecting plans to provide more water at the Eagle Park Reservoir. The City of Aurora is selling water rights in the Columbine Ditch and UERWA is working with partners to acquire the water rights, which would allow the Authority to refill Eagle Park Reservoir more easily in dry years.

It has been determined the Flattops water rights are not a viable option for UERWA and the Authority is now looking to sell those water rights. The Authority is looking at lease options for other available water sources.

Negotiations in the depletion case are failing and litigation is probable.

Adjournment There being no further business to come before the Board, by motion duly made and seconded it was unanimously

RESOLVED to adjourn the Special Meeting of the Berry Creek Metropolitan District Board of Directors this 25th day of November, 2008.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting