
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District October 27, 2009

A Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on October 27, 2009 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:

- Don Cohen
- Doris Dewton
- Heather McInerney

The following Directors were absent and excused:

- Mike Budd
- George Gregory

Also in attendance were:

- 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 October 27, 2009, at 9:30 a.m. noting a quorum was present.

Minutes

The Board reviewed the minutes from the September 22, 2009 Regular meeting. By motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the September 22, 2009 Regular Meeting as revised.

Public Input There was no public in attendance at the meeting.

UERWA

The Board discussed the need for a water usage base rate increase by the UERWA to be able to issue bonds for capital projects. By motion duly made and seconded it was unanimously

RESOLVED to approve the resolution to increase the base rate for water by UERWA. A copy of the resolution is incorporated herein by this reference.

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Entrance ROW

Agreement The entrance right of way agreement is being reviewed by the attorneys for final comments.

Ms. Jacobs joined the meeting at 9:49 a.m.

Community Reports

Mr. Dan Carlson discussed maintenance of the exercise equipment with Maximum Comfort Pool and Spa and has agreed to maintain the exercise equipment at the Singletree Community Center.

Ms. Jacobs met with Dave Lawson with Eagle County Road and Bridge to discuss residents' safety concerns. The County's portable speed sign is not available until in the spring of 2010. The County will allow the District to install temporary speed signs during the non-snow plowing season as long as they are removed prior to winter. Ms. Jacobs presented options for temporary signs. The Board agreed to purchase three "slow down" signs to be placed on the roads. The newsletter will include information on a current campaign to reduce speed and observe traffic signs throughout Singletree.

Eagle County has temporary speed bumps that could be borrowed by the District. The speed bumps could be placed in strategic areas to slow traffic.

Ms. Jacobs suggested the District paint the Community Center sign this winter until a decision is made whether to ultimately replace the sign.

Merchant Credit Card Account

Ms. Jacobs presented the merchant account information that would allow the District to accept credit cards for payments on Community Center rentals and exercise cards. By motion duly made and seconded it was unanimously

RESOLVED to approve adoption of the resolution to establish a merchant account so the District can accept payments by credit card.

Landscaping Project

The Board discussed the color of the concrete pans, the plantings near the road, and the problems with the irrigation system. The Board reviewed the contract with Valley Crest Landscaping and discussed whether rose colored concrete for the pans was properly addressed in the contract. Members of the Beautification Committee will walk through the project on October 28 and verify the District received the items included in the contract. A meeting will be scheduled with Mr.

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Dunn the first week of November to discuss payment of the contract amount and the maintenance contract.

2010 Budget Hearing

It was noted the meeting was published as the budget hearing for the 2010 budget. The public hearing was opened but with no public in attendance, the public hearing was closed. The Board reviewed changes to the budget that were discussed at the October 13, 2009 work session. The Board discussed landscaping projects in 2010 including Phase II of Master Plan and the I-70 roundabout project. Mr. Marchetti anticipated Phase II design would be completed in 2009 with construction in 2010 and Phase III design would be completed in 2010 with construction in 2011. Mr. Dunn estimated Phase II construction costs could cost \$200,000 for 2010. Discussion followed on whether to increase the budget or reduce the scope of work for 2010 with the consensus being to reduce the scope of the project. Consideration of the budget was tabled until the November meeting.

Financial Report

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

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

Accounts Payable

The Board reviewed the October 2009 accounts payable lists. Ms. Curtis noted the District received the \$29,000 tap fee from WECMRD for the Miller Ranch Field House. The Board agreed to contribute the funds to WECMRD with the contribution to be transmitted with a cover letter stating the Board is requesting that Berry Creek Metro District taxpayers be permitted to use the Field House for the same user fees as taxpayers within WECMRD. By motion duly made and seconded it was unanimously

RESOLVED to approve the October 2009 accounts payable list as presented. The check to Valley Crest will be held until approved by the Beautification Committee.

UERWA

The Water Court has ruled in the Minturn change case that Minturn is limited to its historic consumptive use of its municipal water rights. This ruling represents a victory for the Upper Eagle Regional Water Authority.

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The West End project has requested a refund of the cash in lieu of water rights fee that was paid to the UERWA. UERWA has expressed concern about refunding the fee as long as the zoning approvals are in place.

2010

Contracts The Board approved the contract with H & B Snow Removal Services for snowplowing. The other contracts will be reviewed at the November meeting.

ECA The Edwards Community Authority has written a letter to Eagle County requesting the public use restrictions on the Remonov Center tracts T K & B remain in place and not be changed to allow construction.

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 27th day of October, 2009.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting