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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 September 23, 2008

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on September 23, 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 McInerny
- Mike Budd

Also in attendance were:

- Dan Carlson
- Steve Russell, WECMRD
- Eileen Jacobs, Community Manager
- Ken Marchetti, CPA, 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 September 23, 2008, at 8:35 a.m. noting a quorum was present.

#### **Minutes**

By motion duly made and seconded it was unanimously

**RESOLVED** to approve the minutes of the August 26, 2008 regular meeting as revised.

#### **Public Input**

No public present.

#### **Staff Reports**

#### **Irrigation Lines**

Mr. Carlson informed the Board the irrigation system for the trees along Berry Creek Road is an above ground system that is failing and will eventually need to be replaced. STI Services has presented a bid for \$10,500 to install a new irrigation line and emitters for the trees. The bid also include tree rings and mulch around each tree. Mr. Carlson estimated it would cost an additional \$3,500 to dig

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a trench for the new lines. It was noted the trees planted on the south side of Berry Creek Road do not grow as well due to the soil quality.

The water source for the new roundabout project was questioned and Director Budd indicated the County will need to tie into the existing water line at Hackamore.

Discussion followed on burying the water lines in the triangles near Berry Creek Road and Hackamore. The Board requested a quote from STI for the additional work. The Board approved installing new irrigation lines for the trees on Berry Creek Road.

#### **Additional Christmas Lights**

The Board discussed possible installation of Christmas lights on the trees behind the Community Center but decided to not install the lights.

#### **Brush Creek Landscaping Proposal**

The Board reviewed the tree pruning proposal from Brush Creek Landscaping. The Board approved the proposal with the work to proceed under Mr. Carlson's oversight.

#### **Insurance Liability**

The Board reviewed the information from T. Charles Wilson and the Colorado Special District Pool and Liability that would allow the District to increase the Liability policy above the current \$1,000,000 policy currently in place. Mr. Marchetti recommended the District consider increasing the liability to \$2,000,000. The cost to the District would be an additional \$330 annually. The Board agreed to increase the District liability insurance limit to \$2,000,000.

#### **WECMRD Field Usage**

Mike Stanton with WECMRD has been scheduling the fields at Chip Ramsey Park for the organized soccer usage. Steve Russell with WECMRD was present and discussion followed on the use of the fields. WECMRD is preparing a Memorandum of Understanding (MOU) indicating WECMRD provides the scheduling of the field. The MOU includes the District's requirements that include parking limitations and age limits. For the fall season WECMRD has scheduled practices but minimal games.

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The liability for the District with the park usage was questioned. Mr. Russell noted that WECMRD and other organized users provide Certificate of Insurance naming the District as an addition insured.

### **Field House Update**

Mr. Russell reported that WECMRD has completed its bond financing and now has funding for construction of the Field House in Freedom Park. Eagle County has agreed to lease the land to WECMRD and WECMRD is proceeding with design development. WECMRD will work with the District and other entities for public input in the design process.

The roof will be a non-reflective metal roof. The facility will be 40,000 square feet. The building will be expandable based on the agreement with the County that allows the County to increase the size for additional uses.

### **Speed Awareness**

#### **Signs**

Ms. Jacobs reported the cost for the speed indication signs are approximately \$5,000 per sign with solar panels. The District has budgeted \$18,000 for three signs. The Board discussed the placement of the signs on roads with significant grades.

After discussion, it was decided to try one sign before purchasing additional signs. By motion duly made and seconded it was unanimously

**RESOLVED** to purchase and install one speed awareness sign.

### **Trails**

Directors Gregory and McInerny reported the Trails Committee is working with Johannes Faessler on a lease agreement for property to access the public lands across the golf course. Mr. Faessler has requested a visual display of the trail prior to completing the lease. The Sonnenalp Golf Course has agreed to landscape the path to screen it from the Golf Course. Certain homeowners have expressed concern with the path location and the Committee is working to address those concerns.

### **Edwards Community Authority**

Mr. Marchetti reported work continues on the IGA to form the Edwards Community Authority. Berry Creek Metropolitan District was allotted 2.6 votes. Lake Creek Metropolitan District was allocated 0.4 votes and has requested the Authority re-evaluate the calculation. Mr. Marchetti stated the actual allocation would be 2.66 for Berry Creek Metro District and .34 for Lake Creek Metropolitan District.

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The Board discussed the Memorandum Of Understanding with Eagle County for the right of way for the I-70/Edwards Interchange roundabouts. Director Budd wanted to ensure the MOU clearly states the benefits to be provided to the District in exchange for land needed for the roundabouts such as the relocation of Berry Creek, landscaping, etc. Director Cohen stated the MOU would be amended to include the items previously agreed to by the Board. Discussion followed on the retaining wall design with a request that the walls be terraced to allow plantings to soften the wall height. Director Cohen stated he could discuss this issue with Eagle County and also that the Edwards Community Authority Engineering Committee is participating in the wall design. The Board will be notified as the plans are developed. Mr. Marchetti suggested also having Ms. Jacobs participate on the Engineering Committee to represent Berry Creek's interest.

#### **Winslow Road**

##### **Underpass**

Director Budd reported a pre-construction meeting was held on September 16 with over 20 contractors in attendance. The CDOT required equipment should be installed within two weeks. Concrete Works has requested to work through winter with an anticipated completion date of June 2009. There will be no foot traffic allowed in the construction area during use of heavy equipment. One lane will initially be closed with the road completely closed during construction. Eagle County is loaning the District a digital sign that will notify residents about the road closure and notices will be published in the Vail Daily, posted on the web site and sent to the Miller Ranch Schools.

#### **Other**

##### **Business**

Director Dewton reported Corral Road was impassable during a recent private party, creating a safety hazard. It was suggested that a protocol be established for parking during private events but the Board agreed this is an item for SPOA and the Sheriff's Department.

#### **Deer and**

##### **Elk Fence**

Ms. Jacobs reported the fencing material for the deer and elk fence along I-70 adjacent to Singletree is available but the fencing crews are currently working at Wolcott and may not get to the Singletree fence this fall. Discussion followed on mitigating the problem. It was agreed to aggressively pursue having CDOT's contractor complete the fence this year.

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#### **Financial Report**

The August 31, 2008 Financial Statements were included in the Board packet. Discussion followed on the preliminary 2009 budget and projections. By motion duly made and seconded it was unanimously

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

#### **Accounts Payable**

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

**RESOLVED** to approve the September 2008 accounts payable list as presented.

#### **UERWA Report**

Expansion of the Eagle Park Reservoir has been completed and a tour is scheduled for September 24.

Minturn has requested a revised request for point of diversion that UERWA may oppose.

#### **UERWA Resolution**

The District has been asked to pass a resolution affirming its intent that the water rights it provided to the Upper Eagle Regional Water Authority (Authority) were and are being used in an integrated fashion for the benefit of all Authority members and contractees, and that operation of the integrated water system is one of the principal purposes for which the Authority was formed. By motion duly made and seconded it was unanimously

**RESOLVED** to approve the resolution, a copy of which is incorporated herein by this reference.

#### **Beautification Committee**

The Beautification Committee is soliciting volunteers to interview firms which will be hired to prepare a master landscape plan for the District.

#### **SPOA**

Director Budd reported that rather than having one SPOA Board member as a liaison with the Metro Board, all SPOA Board members will be asked to attend on a rotating basis. Election of SPOA officers was held at the September meeting. SPOA is waiting for a resolution from the District's and from SPOA's legal counsels prior to responding to a homeowner's concerns regarding the District's rights to vote its properties in SPOA. SPOA is in the process of implementing the

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requirements of the Colorado Common Interest Ownership Act (CCIOA) and as a part of this process, a fine system will be implemented for covenant violations.

**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 September, 2008.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting