
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting of the Board of Directors of Berry Creek Metropolitan District on July 26, 2018

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado held on July 26, 2018, at 3:00 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. The Board met in joint session with the members of the Board of Directors of the Singletree Property Owners Association (SPOA). These minutes are the minutes of the BCMD portion of the meeting and separate minutes record the SPOA portion of the meeting.

ATTENDANCE

The following BCMD Directors were present and acting:

- Dan Godec
- Karen Kern
- Melissa Nelson
- Mike Reisinger

SPOA Directors in attendance:

- Mike Budd
- Courtney Holm
- Jennie Longville May
- Melissa Nelson
- Karen Zavis

Also in attendance were:

- Nina Timm, Community Manager
- Ken Marchetti, Marchetti & Weaver
- Dan Carlson, Facilities
- Jim Collins, Attorney
- George Gregory, BCMD Representative to UERWA
- Ariana Burkley, Resident

CALL TO ORDER

Director Godec called the Regular Meeting of the Board of Directors of Berry Creek Metropolitan District to order on July 26, 2018, at 3:00 p.m. noting a quorum was present.

DISCLOSURE MATTERS

Pursuant to Colorado law, certain disclosures by the Board members may be required prior to taking official action at the meeting. The Board reviewed the agenda for the meeting, following which each Board member disclosed their conflicts of interest, stating the fact and summary nature of any matters as required under Colorado law, to permit official action be taken at the meeting. The Board determined that the participation of

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the member's present was necessary to obtain a quorum or otherwise enable the Board to act.

AGENDA

There were no changes to the agenda.

PUBLIC INPUT

Mike Budd, resident, reminded the board that the projected 6.2% assessment rate is currently an estimate and that BCMD revenues have exceeded expenditures for the past 10 years.

JUNE 28, 2018 MEETING MINUTES

The Board reviewed the June 28, 2018, meeting minutes. By motion duly made and seconded, it was unanimously

RESOLVED to approve the June 28, 2018, minutes.

POSSIBLE DE-GALLAGHERIZATION QUESTIONS FOR NOVEMBER 2018

Jim Collins, attorney, presented facts related to De-Gallagherization questions that should be considered related to a potential November 2018 ballot measure. If it is the intention of the board to consider asking voters to "De-Gallagherize." It is recommended in 2018. In 2018, the question would be to maintain the existing property taxes by allowing a fluctuation up and down of the mill levy; whereas a future ballot question would require asking voters to increase property taxes and again ask to fluctuate the mill levy to maintain that property tax level. Assuming the residential assessment rate will continue decreasing, under the Gallagher Amendment, and without commercial real estate in the service area, the impacts are greater to the BCMD than districts with commercial real estate. Future boards would have the option to exercise the mil levy increase. Comments included part of what drives values in Singletree are the amenities and the expectations and costs to maintain those increases annually. De-Gallagherization creates future flexibility. The cost of the election would be approximately \$10,000. Establishing a group, outside of the BCMD that cannot politic, to provide voter education is key. A final decision on whether to hold the election in 2018 is required by September 7, 2018. Following the discussion, by motion duly made and seconded, it was (Kern opposed)

RESOLVED to give notice to Eagle County that the Berry Creek Metropolitan District may have a question on the November 2018 ballot.

RESOLUTION REGARDING UNREASONABLY LOUD NOISE

Following discussion about the Declaration stating "...no sound shall be emitted on any Lot or in any dwelling, unit or building which is unreasonably loud or annoying.." in Singletree, by motion duly made and seconded, it was unanimously

RESOLVED to approve and adopt the resolution regarding unreasonably loud noise.

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OPEN ITEM LIST

Repair and Expand Pavilion at Chip Ramsey Park – Due to the anticipated cost for the work, the Request for Proposals shall be noticed in the Eagle Valley Enterprise. BCMD would like a sub-committee to include SPOA board members to work on the project.

RESOLUTION REGARDING REPAIR AND EXPANSION OF THE PAVILION AT CHIP RAMSEY PARK

The board discussed the anticipated cost of repairing and expanding the pavilion at Chip Ramsey Park and the desire to get the work completed this fall. Following the discussion, by motion duly made and seconded, it was unanimously

RESOLVED to authorize up to \$200,000, including a wanted contribution from SPOA of \$75,000, to complete the proposed repair and expansion of the pavilion at Chip Ramsey Park.

OPERATIONS

Replaced the automatic lock system on the bathroom doors at Chip Ramsey Park, automatically locking the doors from 10 PM to 6 AM.

JUNE FINANCIAL REPORT

The preliminary June 2018, Financial Statements were included in the packet and reviewed. Following discussion, by motion duly made and seconded, it was unanimously

RESOLVED to accept the June 2018, financial statements as presented.

PAYMENT OF JULY INVOICES

The Board reviewed the July 2018, list of payments for approval. By motion duly made and seconded, it was unanimously

RESOLVED to approve the July 2018, list of payments.

UPDATES

UERWA – The Authority received a clean 2017 Audit Report. Begun implementing the Dry Year Management Plan. Major concern about the health of aquatic animals due to river and stream water temperatures. State has identified the need to upgrade local treatment plants, goal to complete over the next 15-years. Lake Mead and Lake Powell levels are both dropping. Recommending water conservation.

Community Manager Report – Community Center rental season has been robust. The gym has been very busy this summer. Upgraded the security camera server and hardware. Vail Valley Soccer Club will be replacing the soccer goals at Chip Ramsey Park.

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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 26th day of July 2018.

Respectfully submitted,

Nina Timm