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## RECORD OF PROCEEDINGS

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### **Minutes of the Regular Meeting of the Board of Directors of Berry Creek Metropolitan District on April 27, 2021**

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado held April 27, 2021, at 3:00 p.m., 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. The meeting was held virtually via GoToMeeting.

#### **VIRTUAL ATTENDANCE**

The following BCMD Directors were present and acting:

- Courtney Holm
- Katie Rothenberg
- Melissa Nelson
- Mike Reisinger
- Trevor Broersma

SPOA Directors in attendance:

- Ariana Burkley
- George Gregory
- Jennie Longville May
- Dan Godec

Also, in attendance were:

- Ken Marchetti, Marchetti & Weaver
- Nina Timm, Community Manager
- Dan Carlson, Facilities Manager
- Cheri Curtis, Marchetti & Weaver
- Linn Brooks, ERWSD
- Diane Johnson, ERWSD
- Jason Cowles, ERWSD
- Chris Neuswanger, Owner
- Helen Burton, Owner

#### **CALL TO ORDER**

Director Holm called the Regular Meeting of the Board of Directors of Berry Creek Metropolitan District to order on April 27, 2021, at 3:22 p.m., noting a quorum was present.

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

**AGENDA**

The agenda was amended to appoint audit review committee and Public Input being noticed at 4 PM.

**ERWSD WATER SUPPLY MASTER PLAN UPDATE**

Linn Brooks, Diane Johnson, and Jason Cowles, ERWSD, presented Eagle River Water & Sanitation District's Water Supply Master Plan. Ms. Brooks reviewed the water requirements and the 20-year plan. Strategic reserve is for that one year of the 20-year plan when there is not sufficient water and considers current zoning. Conservation is a key component to ensure sufficient water is available. By 2039, the model anticipates less water than is required to maintain a strategic reserve. To meet long-term water needs the following need to occur:

- ✓ Reducing Tier IV and V water use (ongoing education underway);
- ✓ Billing to incentivize reduced water use (continued);
- ✓ Merging UERWA & ERWSD to pool their resources (merge by 2023);
- ✓ Constructing Bolts reservoir in the next 10 years (complete by 2030); and
- ✓ Changing climate gets no worse than projected.
- ✓ Planning shows water availability through 2050 with these steps taken.

The downside of unification is that currently two boards operate with a total of 10 board members. Unification would be one board with a limit of 7 members.

Ultimately BCMD support of unification will be requested. Unification will require an election. BCMD, SPOA and the DRC are asked to continue supporting water conservation efforts and ensure the Design Guidelines encourage smart outdoor water use. Climate change is making the system less reliable and outdoor and summer water use may be limited.

Chris Neuswanger, resident, asked about approvals for new development and requested ERWSD stop handing out water to development. Ms. Brooks clarified ERWSD is not a land use authority and is not allowed to choose who to serve. ERWSD/UERWA is obligated to provide water and sewer to development.

Linn Brooks, Diane Johnson, and Jason Cowles left the meeting at approximately 4:10 PM.

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**PUBLIC INPUT**

Chris Neuswanger questioned how SPOA is not subject to CCIOA. Also questioned the role of the Colorado Not-for-Profit Act in SPOA's operations. Questioned SPOA's contributions to BCMD property and projects when SPOA owns no property. Also raised conflict of interest concerns for board members. He would like SPOA to clarify which laws they are subject to: CCIOA and/or Not-for-Profit Act. He also noted that High Five Media can record BCMD & SPOA's joint meetings for approximately \$300 per month.

**MARCH 23, 2020 MEETING MINUTES**

The Board reviewed the March 23, 2020, meeting minutes. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the March 23, 2020, meeting minutes as amended.

**OPEN ITEMS STATUS REPORT**

- Looking for a contractor to install steps at Mesquite Drive trailhead.
- Getting bids for sealing and striping the parking lots.
- Refurbished trash cans being replaced as they are done. Coming out great.

**TRAILS**

Lee Rimel reported on the usage of the trails. Vail Valley Mountain Trails Alliance (VVMTA) has some data on usage and would like BCMD to purchase a trail use counter to better understand trail usage in Singletree. The counter uses an electronic eye to count the trail users. VVMTA would maintain the trail counter and it would feed into their existing software system. By motion duly made and seconded, it was unanimously

**RESOLVED** to authorize up to \$600 for the purchase of a trail use counter.

Lee continued, identifying that there needs to be additional trailhead work at the Avon/Singletree Connector trailhead off June Creek Road. He recommends the addition of stairs to accommodate foot travelers. Materials for the stairs remain at the site. Lee is willing and able to supervise the work and can get it completed in May. Lee requested \$2,000 to hire a contractor replace the stairs at the trailhead. By motion duly made and seconded, it was unanimously

**RESOLVED** to authorize up to \$2,000 to replace the stairs at the Avon/Singletree Connector trail head.

Lee Rimel left the meeting at 4:55 p.m.

**AUDIT REVIEW COMMITTEE**

Directors Holm and Nelson along with Karen Zavis will form the committee to review the 2020 audited financials. Director Reisinger presented alternative language related to the

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property tax rebate to the Sonnenalp Golf Course. Following their review, the Audit Committee will meet with the auditors prior to the May meeting and provide a recommendation to BCMD.

**NEXT MEETING DATE**

Due to conflicts, the May 25, 2021 meeting will be moved to May 19, 2021. It was noted it will be posted as a special meeting.

**OPERATIONS**

- New woodchips have been added at Chip Ramsey Park. Also replacing railroad ties at the park to better retain the woodchips. Bathrooms will reopen around May 15.
- Trashcans have been refurbished. Turned out great and will be reinstalled in parks.
- Deck boards will be replaced.
- Trees have been fertilized for the spring.
- Painting of stop bars and walking man will be replaced as weather permits.

**MARCH 2021 FINANCIAL STATEMENT**

Winslow underpass repair reimbursement from the insurance company was received and will be shown as income to offset the expenses for the damages. Accrued vacation line item is for staff compensation. Following the discussion, by motion duly made and seconded, it was unanimously

**RESOLVED** to accept the March 2021, financial statement as presented.

**PAYMENT OF APRIL INVOICES**

The list was reviewed. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the April 2021, invoices for payment.

**UPPER EAGLE REGIONAL WATER AUTHORITY UPDATE**

George reported on the items not covered in the ERWSD presentation. Avon wastewater plant construction is on schedule. Noted the ERWSD does not approve land uses, only the ability to serve. Director Holm questioned if Tier 4 & 5 usage is only commercial customers or if it includes residential customers. It is residential customers, with excessive usage. Low snowpack and early fires this year further reiterate the need to conserve water. It was noted that BCMD will need to take a position on UERWA and ERWSD unification. Based on ERWSD's presentations the Board agrees with the need for unification.

**COMMUNITY MANAGER REPORT**

- Wildfire risk reduction has begun in the June Creek drainage area. So far feedback from adjacent neighbors has been positive.
- The summer party is on the calendar for August 21.

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- Summer Community Center rentals are at a more typical pace.
- Holy Cross Energy will be sending \$8,500 reimbursement for trailhead repair at the Avon/Singletree Connector trail. Holy Cross Energy has been encouraged to come out and see the condition of the area where they worked last summer. There is a lack of vegetation and water bars on their new construction road.
- There has been a request for consideration to allow different roofing materials on duplex units where there are cedar shakes today.

**RETURN TO IN-PERSON MEETINGS**

There has been a request to return to in-person meetings because they are more engaging and typically provide for better discussion. It is believed that most if not all Board members have been vaccinated. The meetings could be held in the Assembly Hall to allow for more space and better ventilation. Dan Godec reported the County may re-open with no restrictions on May 25. Vaccination rates are meeting County expectations. It was agreed the May 19 meeting will be in-person with an option to attend remotely.

**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 27<sup>th</sup> day of April 2021.

Respectfully submitted,

Nina Timm