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## RECORD OF PROCEEDINGS

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### **Minutes of the Meeting of the Board of Directors of Berry Creek Metropolitan District on February 22, 2022**

The Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held February 22, 2022, 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.

#### **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, by phone
- Dan Godec
- George Gregory
- Karen Zavis

Also, in attendance were:

- Ken Marchetti, Marchetti & Weaver
- Nina Timm, Community Manager
- Dan Carlson, Facilities Manager
- Chris Neuswanger, Owner
- Kim Tofferi, Owner
- Helen Burton, Owner
- Ron Rubinoff, Owner
- Greg Daly, Town of Avon
- Justin Yarnell, Town of Avon
- Matt Pielsticker, Town of Avon

#### **CALL TO ORDER**

Director Holm called the Regular Meeting of the Board of Directors of Berry Creek Metropolitan District to order on February 22, 2022, at 3:10 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 members present was necessary to obtain a quorum or otherwise enable the Board to act.

**AGENDA**

The Town of Avon presentation was moved to the first item on the agenda. BCMD and SPOA Boards agreed to add a joint Executive Session at the end of the BCMD portion of the meeting for the purpose of discussing personnel matters pursuant to 24-6-402(4)(f), CRS.

**TOWN OF AVON PROPOSAL FOR EMERGENCY ONLY ACCESS VIA JUNE CREEK TRAILHEAD FROM SINGLETREE ROAD**

Town of Avon representatives Greg Daly, Chief of Police, Matt Pielsticker, Planning Director, and Justin Yarnell, Engineer, presented a proposal to create an emergency only access from Singletree Road via the June Creek trailhead. This has been discussed over the years and the Marshall Fire reinforced the need to act expediently. The emergency only trail proposed would be a 10' wide gravel road that would be used for emergency vehicles and a possible evacuation route for Wildridge residents or Singletree residents in the event of an emergency, mostly likely a wildfire. This proposed access would reduce the access time to approximately 10 minutes out of Wildridge, rather than driving across a heavily rutted, 4-wheel drive only road to ultimately access Berry Creek Road to evacuate. The proposed improved access would also allow emergency vehicles a faster way to fight a fire up the hill. As conceived, Singletree residents could also use it as an evacuation route to the north. The scope of the proposed project is grading a 10' wide gravel road, suitable for vehicles and an associated retaining wall. The retaining wall reduces the overall impact of grading the road. As proposed, the new trail would no longer be partially on private property. The Town of Avon recognizes that it will need approval from the BCMD to proceed with the Eagle County permitting process.

The Board had questions about:

- How are motorized vehicles prevented from using the new trail?
  - Looking at bollard systems, a slip gate, or other means that have proven successful elsewhere.
- Who is going to pay for the proposed improved access?
  - The Town of Avon will pay for the improvements and maintain them.
- In an emergency who would be allowed to access this, who determines that, and how will that be regulated in an emergency event?

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- Emergency equipment would be prioritized either going up from the trailhead or coming down from above.
- Emergency Operation Command will decide how the trail is used in an emergency and this will be influenced by the nature of the event. They would also staff the area to direct operations.
- Sirens are used in Wildridge to alert residents of an emergency. This encourages people to read the alerts they receive on their phone.
- Can improvements be made to the existing evacuation route north of Singletree?
  - It is a long, tough road that would be difficult to improve.
- What is the ultimate destination of anyone evacuated via this trail?
  - Wildridge residents evacuated would be sent to the Avon Bus Barn to be accounted for.
  - It is possible that vehicles would be parked in Wildridge, and folks sent down on foot.
- What steps are recommended for Singletree to mitigate wildfire danger?
  - In Wildridge they are working to create sage breaks and encouraging private property owners to make improvements to their property.
- What are the next steps and anticipated schedule?
  - Trying to move as fast as possible. Need BCMD consent to submit any applications to Eagle County to begin the process. Construction is anticipated to take approximately 2 months and due to the nature of the construction it is likely the trailhead would be closed during that time.

Representatives from the Town of Avon left the meeting.

### **PUBLIC INPUT**

There was no public input for BCMD.

### **JANUARY 25, 2022, MEETING MINUTES**

The Board reviewed the January 25, 2022, meeting minutes. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the January 25, 2022, meeting minutes.

### **OPEN ITEM STATUS REPORT**

Requested that the repair of the recreation path south of Hackamore Road be added to the report and that potential contractors be identified for the two additional sets of trail stairs off Mesquite Drive.

### **OPERATIONS**

- Ordered new signs to replace the ones knocked over in the snow.
- Working with Shaw Electric on parking lot timer and broken lights in the community.
- Looking to replace a broken exterior door handle on Building B.

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**JANUARY 2022 FINANCIAL STATEMENT**

The increased cost of the irrigation project has been reflected in the 2022 budget. \$150,000 continues to be marked to replace the roof on Building A in 2023. Ken Marchetti indicated that at this point in time there is no need for a budget amendment and to wait until more of the year has passed. Melissa Nelson noted she signed off on audit paperwork and the audit is underway. Following the discussion, by motion duly made and seconded, it was unanimously

**RESOLVED** to accept the January 2022, financial statement as presented.

**PAYMENT OF FEBRUARY INVOICES**

Typical accounts payable for February. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the February 2022, invoices for payment.

**UPPER EAGLE REGIONAL WATER AUTHORITY UPDATE**

- Have closed on the purchase of Bolts Lake and negotiated an intergovernmental agreement with the Town of Minturn.

**COMMUNITY MANAGER REPORT**

- Updated cost information related to the irrigation replacement project was included in the packet. Estimated cost for the four parks is \$329,000.
- SPOA Annual Meeting notices were mailed to all owners on February 1, 2022.

**PROPOSED BATTLE MOUNTAIN HIGH SCHOOL HOUSING**

The Boards briefly discussed the thirty-seven proposed housing units east of Battle Mountain High School for Eagle County School District employees. It will be below I-70 but is likely to be visible from Charolais Circle. Requested an email be sent to owners so that they are aware this process is beginning.

**ENGAGING ZEHREN & ASSOCIATES FOR COMMUNITY ENHANCEMENT PLAN**

Updated everyone that this will be discussed at SPOA's Annual Meeting. SPOA has budgeted to pay for this planning process, and it is anticipated to begin in June.

**ESTABLISHING WILDFIRE MITIGATION & COMMUNITY ENHANCEMENT PLAN SUB COMMITTEES**

The Boards agreed that the committees should be established, and each should include one BCMD Board member, one SPOA Board member and three members of the community.

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It was noted that the Greater Eagle Fire Protection District may be a valuable resource, in particular Hugh Fairfield-Smith, Wildland Coordinator.

**EXECUTIVE SESSION**

BCMD and SPOA Boards moved into joint executive session pursuant to, 24-6-402(4)(f), CRS to discuss personnel matters. By motion duly made and seconded, it was unanimously

**RESOLVED** to move into executive session at 4:30 p.m. to discuss personnel matters.

The board adjourned from executive session at 5:05 p.m. It was noted that no action was taken during the executive session.

**MIKE REISINGER AND GEORGE GREGORY'S FINAL JOINT MEETING**

Everyone thanked Mike Reisinger and George Gregory for all their service to the community! Mike has served for over 12 years and George 26 years. Mike remarked that it is great to have the powerlines buried, the first community enhancement plan completed, and that Singletree is a wonderful community to live in. He has extra appreciation for everything that Dan Carlson does for the community, and he has enjoyed working with everyone on the boards and has appreciated the cohesiveness with which everyone has worked to make Singletree great.

**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 22<sup>nd</sup> day of February 2022.

Respectfully submitted,

Nina Timm