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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 March 22, 2022**

The Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held March 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, by phone
- Katie Rothenberg
- Melissa Nelson
- Trevor Broersma

SPOA Directors in attendance:

- Dan Godec
- Jenny Longville May
- Karen Zavis

Also, in attendance were:

- Ken Marchetti, Marchetti & Weaver
- Nina Timm, Community Manager
- Dan Carlson, Facilities Manager
- George Gregory, Owner
- Chris Neuswanger, Owner
- Helen Burton, Owner, by phone
- Ron Rubinoff, Owner, by phone
- Steve Coyer, ERWSD Board Candidate

#### **CALL TO ORDER**

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

**AGENDA**

There were no changes to the agenda.

**PUBLIC INPUT**

Chris Neuswanger suggested BCMD adopt a new records retention policy.

**STEVE COYER - ERWSD DISTRICT 3 CANDIDATE INTRODUCTION**

George Gregory, who serves as BCMD's representative on the UERWA and has worked with the candidate for several years, introduced Steve Coyer who is seeking reelection to the ERWSD Board. George informed the group that Mr. Coyer is committed, insures he is prepared for meetings, and that George recommends people vote to reelect him. Mr. Coyer spoke on his own behalf and requested that people please vote for him.

Steve Coyer left the meeting.

**FEBRUARY 22, 2022, MEETING MINUTES**

The Board reviewed the February 22, 2022, meeting minutes. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the February 22, 2022, meeting minutes.

**OPEN ITEM STATUS REPORT**

Nothing was added to or removed from the list.

**AMENDED MAY 3, 2022, BCMD BOARD ELECTION RESOLUTION**

The Ambulance District and ERWSD are holding their in-person elections at the Edwards Field House and eligible Singletree electors may also be able to vote in those elections, consequently it is more convenient for BCMD to move its location to the same location so voters may vote in multiple elections in one location. The Edwards Field House is well located to Singletree and has ample well-located parking. The Board did note that there is some downside to moving the election out of Singletree but agreed the benefits of moving the BCMD election to the Edwards Field House listed above were greater. Following the discussion, by motion duly made and seconded, it was unanimously

**RESOLVED** to adopt the Amended Election Resolution moving the polling place to the Edwards Field House, 450 Miller Ranch Road.

**POTENTIAL RE-ALIGNMENT OF DISTRICT BOUNDARIES FOR EAGLE COUNTY SCHOOL DISTRICT PARCEL, TRACT B BERRY CREEK/MILLER RANCH PUD**

Berry Creek Ranch Filing 5 remains a part of BCMD. To better locate school uses on the Miller Ranch and 5<sup>th</sup> Filing property, the Eagle County School District (ECSD)

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swapped parcels for recreation and housing uses. When the Miller Ranch housing development was built a small portion was in BCMD with the rest being in the Edwards Metro District. At that time District boundaries were amended to include all of Miller Ranch housing in Edwards Metro District. ECSD's proposed housing development is substantially in BCMD boundaries with small portion of it in Edwards Metro District boundaries. ECSD does not pay any property taxes so there is currently no financial benefit to any District to have it in their boundaries, but for long-term convenience it makes sense to have the ECSD housing development in one District. The Board had questions about the legal consequences of amending boundaries as well as any unintended consequences or service requirements that may arise by adding the parcel into BCMD's boundaries. Following the discussion, by motion duly made and seconded, it was unanimously

**RESOLVED** to request a memo from BCMD's attorney at the next meeting to better understand options related to the proposed request.

**OPERATIONS**

- Obtaining bids to stain the front and back decks at the Community Center as well as paint the landscape band at the main entrance roundabout.
- As weather permits, will paint walking man on the roads.
- Contractor will paint stop bars on the roads this spring.
- Working on the pigeon problem at the Community Center.
- Will trim the bush on the recreation path near Charolais Circle stop sign.

**FEBRUARY 2022 FINANCIAL STATEMENT**

Operations are proceeding as budgeted. Spending on the irrigation replacement project has begun. Following the discussion, by motion duly made and seconded, it was unanimously

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

**PAYMENT OF MARCH INVOICES**

Accounts payable are as anticipated for March. By motion duly made and seconded, it was unanimously

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

Based on a comparative study provided by Marchetti & Weaver, it was noted that taxes and fees for BCMD and the Singletree POA are very low compared to other similar communities in the Eagle River Valley.

**UPPER EAGLE REGIONAL WATER AUTHORITY UPDATE**

- Extreme drought continues! A hot dry spring is predicted.
- Lake Powell is currently only 30' from no longer being able to produce power.

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- Outdoor water use conservation is encouraged.
- Wastewater is being tested locally for COVID-19.

**COMMUNITY MANAGER REPORT**

- Community Pride Highway Cleanup is scheduled for Saturday, April 30. Singletree has adopted a one-mile section just south of the community.
- Will schedule a Singletree community and golf course cleanup event as weather permits.

**POTENTIAL EAGLE COUNTY REGIONAL TRANSIT AUTHORITY (RTA)**

Eagle County and the towns of Avon, Eagle, Gypsum, Minturn, Red Cliff, and Vail, and Beaver Creek Metro District are considering the formation of an RTA. The RTA formation group will make a presentation to representatives from the unincorporated areas of the County on April 14, at 3 PM, at the Singletree Community Center.

**BOARD REPRESENTATIVES FOR THE COMMUNITY ENHANCEMENT COMMITTEE AND THE WILDFIRE RISK MITIGATION COMMITTEE**

It was noted that 3 BCMD Board seats are up for election in May, and it is more appropriate to wait until after the election to appoint representatives to the committees. BCMD will appoint representatives to each committee at their May meeting.

The SPOA Board has selected Dan Godec to be their representative on the Wildfire Mitigation Committee and Lorry Prentis will be the representative on the Community Enhancement Committee.

**BOARD MEETING PACKET AVAILABILITY**

Currently meeting packets are sent to the email distribution list and there has been a request to post board meeting packets on the website. The Boards discussed not making the packets available online as the website is open to anyone. The Boards agreed to send out an email to residents asking if they want to be added to the meeting packet distribution list.

**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 March 2022.

Respectfully submitted,

Nina Timm