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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 June 28, 2022**

The Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held June 28, 2022, at 4:00 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
- David Viele
- Katie Rothenberg
- Melissa Nelson
- Trevor Broersma

SPOA Directors in attendance:

- Ariana Burkley
- Dan Godec
- Jennie Longville May
- Karen Zavis

Also, in attendance were:

- Ken Marchetti, Marchetti & Weaver
- Nina Timm, Community Manager
- Dan Carlson, Facilities Manager
- Chuck Powers, Owner
- George Gregory, Owner
- Helen Burton, Owner, by phone
- Ron Rubinoff, Owner
- Kim Tofferi, Owner, by phone

#### **CALL TO ORDER**

Director Holm called the Regular Meeting of the Board of Directors of Berry Creek Metropolitan District to order on June 28, 2022, at 4:00 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

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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 appointment of a BCMD representative to the UERWA and the UERWA Update will be moved to the beginning of the meeting to accommodate a family emergency.

**PUBLIC INPUT**

Chuck Powers spoke about the article he read in the Vail Daily related to the Town of Avon's request for emergency vehicular access via the June Creek trailhead. He pointed out that Singletree worked very hard to ensure there was no motorized traffic through there and motorcycles can maneuver around almost anything. He believes that an emergency access could be quickly created there, at the time there was an actual emergency. He reminded everyone that Singletree has worked hard for many years to develop the trail system in and around the community and this proposal would impact that work. He suggested that the Town of Avon has not done enough to resolve their egress problem themselves and he noted that the Wildridge Fire House could be fully staffed, and they could find alternative egress on their property. He does not believe there is any benefit to Singletree in the proposal and if allowed it could morph into something larger and possibly have negative ramifications.

It was clarified that BCMD has not agreed to anything and is looking for more information as well as answers to their questions from the meeting on February 22, 2022.

**MAY 24, 2022, MEETING MINUTES**

The Board reviewed the May 24, 2022, meeting minutes. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the May 24, 2022, meeting minutes.

**APPOINTMENT OF A BCMD REPRESENTATIVE TO THE UERWA**

George Gregory has served as BCMD's representative to the UERWA for several years and is an asset on the Authority's board as they continue to work through some multi-year projects. By motion duly made and seconded, it was unanimously

**RESOLVED** to appoint George Gregory as BCMD's representative on the UERWA.

**UPPER EAGLE REGIONAL WATER AUTHORITY UPDATE**

- ERWSD received a clean audit report for 2021.
- Weekly wastewater testing shows COVID-19 remains in the community.
- UERWA is out of water for any proposed new development.
- The drought outlook has not changed with recent rains.

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- There was a question about proposed consolidation of UERWA & ERWSD boards. It was clarified that the consolidated board would continue to be an elected board, and water rights and their seniority would not change.
- New water rights valuations should be available in August.
- Melissa Nelson will serve as BCMD's alternate representative for UERWA.

**ELECTION OF PRESIDENT, VICE PRESIDENT, & SECRETARY/TREASURER**

Following discussion, by motion duly made and seconded, it was unanimously (Holm abstained)

**RESOLVED** to elect Courtney Holm as President.

By motion duly made and seconded, it was unanimously (Broersma abstained)

**RESOLVED** to elect Trevor Broersma as Vice President

By motion duly made and seconded, it was unanimously (Nelson abstained)

**RESOLVED** to elect Melissa Nelson as Secretary/Treasurer

**2022 AUDIT COMMITTEE APPOINTMENTS**

The draft 2021 financial statement and audit opinion was included in the meeting packet. The goal is to present a final draft to the Board for their review and approval at the July 26 meeting. There was discussion about past audit committee members and a request to have Karen Zavis serve again as she has expertise despite not being on BCMD. Following discussion, by motion duly made and seconded, it was unanimously

**RESOLVED** to appoint Courtney Holm, Karen Zavis, and Melissa Nelson to the Audit Committee.

**OPEN ITEM STATUS REPORT**

Four items on the report have recently been completed and nothing was added to it.

**OPERATIONS**

- 4 dead trees were removed along Berry Creek Road at the entrance to the community.
- The bike path sealing turned out well.
- Crosswalks and stop line painting is complete.
- Eagle County is waiting for white paint to finish striping the roads.
- The light fixture at Stage Coach and Berry Creek Roads is out, and an excavator will be needed to run conduit. Will get bids for the work.
- Previously painted the walking man and 25 MPH signs on the street in-house. No longer able to do that. Got a bid of \$40 and \$75 per sign. There are approximately 100 of each one.

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There was discussion about the effectiveness of the street painting and that perhaps there is a more effective way to encourage people to slow down. Cordillera has three portable MPH trailers that they move weekly, and they are effective at causing people to slow down. There was consensus to purchase a portable MPH trailer (Trevor offered help welding the radar to the trailer) and see if it is effective at reducing the speed people are driving on the roads.

Trevor Broersma also requested that protection for people walking or riding on the sidewalk on the Winslow Road underpass be researched. The Town of Avon and the Town of Eagle have recently installed them.

**MAY 2022 FINANCIAL STATEMENT**

The financial report shows BCMD following their adopted budget. By motion duly made and seconded, it was unanimously

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

**PAYMENT OF JUNE INVOICES**

Following review of the payments, by motion duly made and seconded, it was unanimously

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

**COMMUNITY MANAGER REPORT**

- The Community Enhancement Plan open house is scheduled for July 7, from 6 PM to 8 PM at the Singletree Community Center.
- The Wildfire Mitigation Committee met with Eric Lovgren, and he recommended a “Community Chipping Day” to encourage residents to trim trees and bushes on their property. The cost is approximately \$350 per hour to provide this service. Tim Lipman, Vail Valley Tree Service, recommended curb side service rather than a drop off location at the Community Center. Due to its popularity, Cordillera offers its residents this service once per week for 8 weeks in the summer. The Wildfire Mitigation Committee will investigate and report back with recommendations.

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- There are 2 ellipticals in the Community Gym and they are very popular. One came from the previous gym and is reaching the end of its useful life. The fitness company that services the gym recommended replacing it with a Matrix ClimbMill that would match the existing equipment. The \$8,500 cost is not included in the 2022 budget but could be paid for from the Capital Projects Reserve. If ordered now it will arrive late in 2022.

Following discussion, by motion duly made and seconded, it was unanimously

**RESOLVED** to purchase the Matrix ClimbMill.

**OTHER BUSINESS**

- **PUBLIC INPUT POLICY**

There was a request to adopt a public input policy to provide all residents an opportunity to speak at meetings and to maintain efficient meetings. Following discussion, by motion duly made and seconded, it was unanimously

**RESOLVED** to limit public input to 3 minutes per person with limited further opportunity to provide input on each agenda item as those arise.

- **JOINT WORK SESSION TO DEVELOP AN EMPLOYEE REVIEW PROCESS AND SCHEDULE**

The Board requested the Community Manager schedule a joint work session to discuss.

**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 28<sup>th</sup> day of June 2022.

Respectfully submitted,

Nina Timm