
RECORD OF PROCEEDINGS

Minutes of the Meeting of the Board of Directors of Berry Creek Metropolitan District on October 25, 2022

The Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held October 25, 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, virtually
- David Viele
- Katie Rothenberg
- Melissa Nelson, virtually
- Trevor Broersma

SPOA Directors in attendance:

- Dan Godec
- Jennie Longville May
- Karen Zavis, virtually
- Lorry Prentis

Also, in attendance were:

- Ken Marchetti, Marchetti & Weaver
- Nina Timm, Community Manager
- Dan Carlson, Facilities Manager
- Hugh Fairfield-Smith, Eagle Valley Wildland Coordinator
- Karl Bauer, Eagle River Fire Protection District Chief
- Matt Pielsticker, Town of Avon Planning Director
- Greg Daly, Town of Avon Chief of Police
- Jenna Skinner, Town of Avon Planner, virtually
- Jim & Ann Kunick, Resident
- David Karpas, Resident
- Kim Tofferi, Resident, virtually
- George Gregory, Resident
- Lee Rimel, Resident
- Donna Baker, Resident
- Michele Rae, Resident

RECORD OF PROCEEDINGS
Berry Creek Metropolitan District

CALL TO ORDER

Director Broersma called the Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District to order on October 25, 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 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

There were no changes to the agenda.

PUBLIC INPUT

There was no public input.

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

Matt Pielsticker and Chief Daly explained they are here to advance the discussion on the proposed emergency access from the Wildridge community via the Singletree community. In preparation, the town of Avon has applied to the USFS for the emergency access as well. To date, Avon has gotten no response from the USFS. Avon has also taken high-definition drone footage of the area to better understand what may be involved in creating the proposed emergency access. The town of Avon will pay for all review, design, construction, and maintenance costs associated with the requested emergency access. Avon cannot apply to Eagle County for an Extent and Locate Process without approval from the BCMD. Avon is requesting that BCMD authorize Avon to begin the Eagle County review process for the proposed access.

Chief Daly explained that wildfire is now a reality in the mountains. Avon has undertaken mitigation work in conjunction with Eagle Valley Wildland and the Eagle River Fire Protection District. Seven years ago, Avon created an emergency evacuation plan, to look at what if something happens in Wildridge or Mountain Star. There is only one route in and out, and there are 1,000+ residents in Wildridge. USFS Roads 717 or 717A take a skilled driver in the correct vehicle approximately 45 minutes to reach Berry Creek. Avon is also installing warning sirens in Wildridge, Mountain Star, and Wildwood. Chief Daly believes the proposed emergency only access could also benefit Singletree residents for emergency services and/or as an alternative evacuation route. Brush trucks could get up the proposed emergency access in approximately 10 minutes. He noted the proposed emergency access would only be used in the worst-case scenario and access will be controlled by the Fire Department.

RECORD OF PROCEEDINGS
Berry Creek Metropolitan District

Board members asked Avon to help Singletree residents understand why this is important to Singletree too. A community-wide meeting was proposed for Avon to explain to residents what the goals are of the proposed emergency access.

Chief Bauer spoke to questions about staffing the Wildridge Fire Station. He explained that staffing the Wildridge Fire Station does not change the need for an additional evacuation route, nor does it benefit fighting a wildfire above Wildridge or Singletree. As a community Singletree will be asked to balance “the cost” of what is being asked vs. the overall benefit to the broader mid-valley community. To further mitigate wildfire risk, Chief Bauer also explained that Avon has created a 300’ fuel break in the June Creek drainage, completed 175 acres of fuel thinning, and is in the process of creating a fuel break around the perimeter of Wildridge.

It was agreed that Avon will create a one to two page fact sheet about their request and a Singletree community meeting will be scheduled for Avon to present to Singletree residents and answer their questions. CPW was also requested to attend the meeting for their assessment on the wildlife impacts of the proposed access.

Lee Rimel asked what the wildfire mitigation are plans for the whole area.

Chief Bauer noted that BCMD along with Avon are creating fuel breaks in and around both Wildridge and Singletree.

Donna Baker asked if the emergency access could be moved away from the June Creek Trail, as it is narrow and very beautiful.

Chief Bauer responded that this is the only location that is practical. There are very few pinch points on the trail, with the most significant being where it meets Singletree Road.

Michele Rae looks forward to the community-wide meeting and asked what alternatives Avon has considered, and how this access would truly function. She would like more information.

Avon and the BCMD committed to scheduling a meeting for Singletree residents.

Matt Pielsticker, Greg Daly, Jenna Skinner, Hugh Fairfield-Smith, Karl Bauer, Lee Rimel, Michelle Rae, and Donna Baker left the meeting.

SEPTEMBER 27, 2022, MEETING MINUTES

The Board reviewed the September 27, 2022, meeting minutes. By motion duly made and seconded, it was unanimously

RESOLVED to approve the September 27, 2022, meeting minutes.

RECORD OF PROCEEDINGS
Berry Creek Metropolitan District

OCTOBER 11, 2022, MEETING MINUTES

The Board reviewed the October 11, 2022, meeting minutes. By motion duly made and seconded, it was unanimously

RESOLVED to approve the October 11, 2022, meeting minutes.

OPEN ITEM STATUS REPORT

There were no changes to the report.

2022 AUDIT ENGAGEMENT LETTER

The Board reviewed the proposed 2022 Audit Engagement Letter. It was noted that the price increased \$150 from the previous audit fee. Following discussion, by motion duly made and seconded, it was unanimously

RESOLVED to accept the 2022 Audit Engagement Letter from Chadwick, Steinkirchner, Davis, Co.

OPERATIONS

The bathrooms at Chip Ramsey have been closed and winterized for the season. A trash can was placed at the back of the parking lot and the trees have been trimmed in the area.

SEPTEMBER 2022 FINANCIAL STATEMENT

There were no comments or questions as the September financials were reviewed at the budget work session on October 11, 2022. Following the discussion, by motion duly made and seconded, it was unanimously

RESOLVED to accept the September 2022, financial statements as presented.

PAYMENT OF OCTOBER INVOICES

There were no questions about the October payables. Following review of the payments, by motion duly made and seconded, it was unanimously

RESOLVED to approve the October 2022, invoices for payment.

2023 BUDGET HEARING

October 25, 2022, was publicly noticed as the 2023 budget hearing. The 2023 budget hearing was opened, noting a work session to review the proposed budget was held on October 11, 2022. The budget being reviewed today reflects the comments and requested changes from the work session. The proposed budget is a balanced long-term budget. BCMD has considerable capital commitments in 2023, including completion of the irrigation replacement project and re-roofing Building A at the Community Center. The Capital Project Fund will begin to be replenished after 2023.

RECORD OF PROCEEDINGS
Berry Creek Metropolitan District

At the budget work session, a question was asked about repair and maintenance of the Winslow Underpass. It was clarified that BCMD is responsible for the retaining walls, fences, and landscaping, and has been maintaining those since they were built. CDOT is responsible for the repair and maintenance of the I-70 bridges.

A call was made for public input and there was no public input on the proposed budget. Following the discussion, by motion duly made and seconded, it was unanimously

RESOLVED to adopt the 2023 Budget as presented.

The 2023 Budget Hearing was closed.

CONTRIBUTION TO COMPLETE THE EAGLE VALLEY TRAIL

At the July meeting ECO Trails Program Manager Kevin Sharkey, made a request for a contribution to help complete the Eagle Valley Trail across Eagle County. At that time, the Board said they would consider it as part of their budget review process. The Board agreed that the Eagle Valley Trail is an amenity that is enjoyed by many Singletree residents and its completion would benefit Singletree residents. Following the discussion, by motion duly made and seconded, it was unanimously

RESOLVED to contribute \$10,000 to ECO Trails in 2022 towards the completion of the Eagle Valley Trail.

UPPER EAGLE REGIONAL WATER AUTHORITY UPDATE

- Significant drought conditions persist! The Mississippi and Arkansas Rivers are also experiencing serious drought conditions.
- UERWA is again considering inclusion in ERWSD. Arrowhead no longer objects being included in ERWSD. Inclusion would not change things for BCMD; BCMD leased their water rights and conveyed their water infrastructure to UERWA, and ERWSD provides those water functions for UERWA today. UERWA could continue to exist with only one or two members, while the other members are included in the ERWSD. There are benefits of a consolidated water entity and the elimination of an unnecessary governmental entity.
- The Sonnenalp Club's water is separate and distinct from what was leased to UERWA and would not be impacted by BCMD's inclusion in ERWSD.
- It is getting increasingly difficult to manage water and UERWA is out of water. New development will be required to provide 120% of their projected water need, rather than 100%.
- Water levels in Lake Powell are nearly too low to continue generating power at the Glen Canyon Dam.

RECORD OF PROCEEDINGS
Berry Creek Metropolitan District

COMMUNITY MANAGER REPORT

- The Wildfire Mitigation Projects Open House was held on October 18. Approximately five residents attended and had their questions answered. Mitigation work began on October 19.
- The Community Enhancement Plan open house is scheduled for October 27, from 5 PM to 7 PM.
- The Halloween Party is on October 30, from 3 PM to 5 PM.
- The electric lines that were clipped at Chip Ramsey Park have been repaired.

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 25th day of October 2022.

Respectfully submitted,

Nina Timm