
RECORD OF PROCEEDINGS

Minutes of the Meeting of the Board of Directors of Berry Creek Metropolitan District on January 24, 2023

The Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held January 24, 2023, 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, virtually
- Melissa Nelson, virtually
- Trevor Broersma

SPOA Directors in attendance:

- Dan Godec
- Jennie Longville May
- Karen Zavis

Also, in attendance were:

- Ken Marchetti, Marchetti & Weaver
- Nina Timm, Community Manager
- Dan Carlson, Facilities Manager
- Hugh Fairfield-Smith, Eagle Valley Wildland (EVW)
- Jena Skinner, Town of Avon
- Matt Pielsticker, Town of Avon, virtually
- Janet Bartnik, Mountain Recreation District
- George Gregory, Resident & Upper Eagle Regional Water Authority Representative
- Ron Rubinoff, Resident, virtually
- Chris Neuswanger, Resident, virtually
- Lee Rimel, Resident
- Paul Chapman, Resident
- Steve Turner, Resident
- Nathan Littlejohn, Resident
- Robert Milfeld, Resident
- David Karpas, Resident

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CALL TO ORDER

Director Holm called the Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District to order on January 24, 2023, 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

Chris Neuswanger expressed concern that the proposed changes to the June Creek trailhead would turn the area into a dirt bike trail and he is also concerned about who would be in control of the Wildridge and Singletree trailheads in an emergency. He supports the Climate Action Collaborative and would like Singletree to investigate installing a neighborhood solar array.

PROPOSED WILDFIRE MITIGATION INTERGOVERNMENTAL AGREEMENT (IGA) WITH EAGLE RIVER FIRE PROTECTION DISTRICT (ERFPD)

Hugh Fairfield-Smith congratulated Singletree on their Firewise designation! Congratulations was also given to ERFPD and Eagle Valley Wildland on their award and national recognition for wildfire risk mitigation in Eagle County. It was explained that the proposed IGA takes the burden and liability from BCMD and places it on ERFPD who will use BCMD's budgeted funds to issue the RFPs, contract for the prescribed mitigation work, and supervise the mitigation projects on behalf of BCMD. This method also makes it easier for ERFPD to secure grants and track costs for any grants received. ERFPD is waiting to hear about 2023 grant dollars they may be awarded. The proposed IGA is for a one-year period and will make it as easy as possible for BCMD to complete the prescribed wildfire mitigation projects. There are no additional costs associated with the proposed IGA. Following the discussion, by motion duly made and seconded, it was unanimously

RESOLVED to enter the proposed IGA with ERFPD for \$100,750 for the prescribed 2023 wildfire mitigation projects, subject to review and approval of the IGA by BCMD's legal counsel.

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TOWN OF AVON REQUEST FOR PERMISSION TO PROCEED WITH AN APPLICATION TO EAGLE COUNTY FOR AN EMERGENCY ONLY ACCESS ROAD AT JUNE CREEK TRAILHEAD

Jena Skinner presented Avon's request to submit a Location and Extent application to Eagle County. This follows Avon's open house in Singletree on December 5, where residents asked questions and Avon has provided written responses to the questions for the meeting today. Avon has committed to ensuring that BCMD is aware of the Eagle County process and meeting dates. It was noted that a community member has suggested that BCMD retain an owner's rep during the construction process to ensure BCMD's expectations are met.

Lee Rimel suggested BCMD should retain a professional engineer, construction consultant, and legal assistance to best understand what Avon is proposing. He expressed concern because Holy Cross Energy significantly violated their easement when they replaced lines via BCMD property.

Paul Chapman has discussed this with his neighbors and has found universal opposition from trail users to Avon's proposed changes. He questioned whether this is a necessary evacuation route, and if prevailing winds are from the west and fire typically spreads uphill how will this route be useful? Also, how will certain vehicles be restricted from using this route in an emergency?

It was clarified by Avon that this route would only be used in an emergency and Avon is currently planning for additional wildfire risk mitigation projects to ensure other access options remain open to Wildridge. Avon has been and continues to budget money for wildfire risk mitigation projects.

Hugh Fairfield-Smith noted this route has been reviewed by ERFPD, Eagle County, and EVW and this additional route is useful in a catastrophic situation. It is likely it would be used to move fire fighters into the area more quickly. This route also creates more options for evacuation and that is good for everyone.

A request was made to review and update, as necessary, Singletree's proposed emergency evacuation routes.

Steve Turner urged the BCMD to preserve future rights for the use of this property and to not give those up.

BCMD noted the December 5, 2022, open house raised more questions and subsequently provided more answers and information about the request.

Nathan Littlejohn expressed ecological concerns about disturbing the area. He has noticed cheat grass popping up in that area and disturbing it will cause it to spread exponentially. This can increase the fire risk.

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

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RESOLVED to give the town of Avon permission to proceed with a Location and Extent Application to Eagle County for an emergency only access road on Berry Creek Metro District property at the June Creek Trailhead.

Robert Milfeld asked to speak about Avon's request and expressed that he has little faith that people will do what they say. He questioned how motorcycles will be stopped from using the changed trailhead and remarked how this will diminish his quality of life. He believes that Avon developed the need for this out of thin air and questioned how this will impact local property values too.

The Board remarked that there will be more details and a more complete understanding of what may be required following Eagle County's review of Avon's application. Today's approval does not allow Avon to construct anything on BCMD property.

EDWARDS FIELD HOUSE PROGRAMMING UPDATE

Janet Bartnik explained that Mountain Recreation is revisiting its Edwards Field House survey since their All-Access Recreation initiative failed. The previous survey identified that 70% of Edwards residents don't use the Field House because it does not offer the amenities they want. A new online survey will be available later this month. It was noted that even though Singletree residents are not part of their taxing district they are anticipated users of the Edwards Field House. The feedback at the open house in Singletree was all about pickleball. There were also requests to not change the gymnastics or trampoline areas.

Huge thanks was given to Singletree resident Tom Boyd for his time and dedication to building the outdoor ice rinks in Edwards. This season has been especially difficult but due to his perseverance one rink will open next week.

The roof of the Field House will be repainted this summer to match existing and this will cost approximately \$235,000.

DECEMBER 6, 2022, MEETING MINUTES

The Board reviewed the December 6, 2022, meeting minutes. By motion duly made and seconded, it was unanimously

RESOLVED to approve the December 6, 2022, meeting minutes.

OPEN ITEM STATUS REPORT

Based on the size and expense of the project, multiple re-roofing bids for the Building A at the Community Center were requested.

2023 BCMD BOARD ELECTION RESOLUTION

There are two seats up for election in 2023. The resolution calls for a polling place election, with the polling place being the Singletree Community Center. If other special

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districts have May elections, BCMD may choose to move the polling place to the Edwards Field House to allow voters to vote in multiple elections in one location. Any changes in the polling place will be considered at a future meeting. Self-Nomination and Acceptance forms are due by February 24, to be listed on the ballot. It was noted that Broersma was spelled incorrectly in the resolution. Following the discussion, by motion and seconded, it was unanimously

RESOLVED to adopt the 2023 BCMD Board Election Resolution.

CONTRIBUTION TO THE CLIMATE ACTION COLLABORATIVE (CAC)

The CAC made a presentation to the Board at the December meeting. At that time certain financial information was not included in the packet and has subsequently been provided to the Board. The CAC has requested a contribution to help close their 2023 funding gap. Following the discussion, by motion duly made and seconded, it was unanimously

RESOLVED to contribute \$2,500 in 2023 to the Climate Action Collaborative.

OTHER BUSINESS

David Karpas requested the Board consider changing the bags provided at the dog waste stations in Singletree. He provided an example of a different bag that he suggested could be provided in Singletree. The proposed bag appears to be easier to open in the winter when it is cold, and people often wear gloves.

The Board noted that the proposed bags may be easier to open, but they are not biodegradable and are significantly more expensive. BCMD provides 4,000 dog waste bags each week!

OPERATIONS

Recommended hiring someone to install weather stripping and repair window seals at the Community Center. Working to get additional bids for the re-roofing project. Requested that an email be sent reminding residents to not use the dog waste station trash cans for their personal trash.

DECEMBER 2022 FINANCIAL STATEMENT

There was a question as to why interest income for the year ended 12/31/22 was a negative number. Ken Marchetti explained that investments (in BCMD's case, CD's) must be valued at Fair Market Value (FMV), which reflects the value if they were to be sold on 12/31/22. Since interest rates have risen in the later months of 2022, the FMV of these investments has decreased, even though if they are held to maturity, the full principal balance will be realized. The Balance Sheet for BCMD notates next to each CD listed the principal balance and the interest rate. The amount in interest income reflects the actual interest collected in 2022 minus the adjustment to FMV. It was noted that the 2023 Budget reflects that Interest Income/Change in Value of CD's is projected to be \$43,478. This amount reflects the actual interest income to be collected on the

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existing CDs plus a projected recovery of some of those FMV write-downs as CDs mature.

It was noted the capital budget has \$165,000 for the re-roofing project and \$100,000 for wildfire mitigation projects in 2023. The proposed solar panel installation may have to be postponed for a year or two, depending on future budgets and capital projects. It was noted that the pink highlights on the budget reflect project dollars that were carried forward from 2022. Following the discussion, by motion duly made and seconded, it was unanimously

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

PAYMENT OF JANUARY INVOICES

The payables report includes a portion of December 2022 and January. Following review of the payments, by motion duly made and seconded, it was unanimously

RESOLVED to approve the January invoices for payment.

UPPER EAGLE REGIONAL WATER AUTHORITY UPDATE (UERWA)

- Siri Roman is the new General Manager.
- ERWSD completed 100% of the required back flow preventer installations on schedule.
- ERWSD got a clean operations review from Colorado Department of Public Health and Environment.
- Despite the snowfall this winter we remain in drought conditions!
- ERWSD and UERWA continue to pursue inclusion discussions.

COMMUNITY MANAGER REPORT

- BCMD/SPOA joint meetings will be held on the 4th Tuesday of each month at 4 PM, except November when the meeting is cancelled, and the December meeting will be held on December 5, 2023.
- Unfortunately, Holiday Party RSVPs were not fulfilled and as a result too much food was purchased for the 160 residents that attended.

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 24th day of January 2023.

Respectfully submitted,

Nina Timm