

---

## RECORD OF PROCEEDINGS

---

### **Minutes of the Meeting of the Board of Directors of Berry Creek Metropolitan District on March 28, 2023**

The Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held March 28, 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
- Katie Rothenberg, virtually
- Melissa Nelson, virtually

SPOA Directors in attendance:

- Dan Godec
- Karen Zavis
- Lorry Prentis
- Ron Rubinoff, virtually

Also, in attendance were:

- Ken Marchetti, Marchetti & Weaver, virtually
- Nina Timm, Community Manager
- Dan Carlson, Facilities Manager
- Chris Neuswanger, Resident
- Kim Tofferi, Resident
- Michelle Rae, virtually
- Sarah Smith-Hymes, ERWSD Candidate
- Todd Goulding, ERFPD Ballot Initiative A Committee
- Karl Bauer, ERFPD Chief
- Clint Janssen, Resident
- Russ Meyer, Resident
- Chuck Powers, Resident

#### **CALL TO ORDER**

Director Holm called the Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District to order on March 28, 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

---

**RECORD OF PROCEEDINGS**  
**Berry Creek Metropolitan District**

---

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**

Sarah Smith-Hymes introduced herself and asked for residents to vote for her for the ERWSD board seat.

Chris Neuswanger introduced himself as a candidate for the ERWSD board as well. He also expressed concern about SB2023-213 that the state legislature is currently considering. He believes the bill could be catastrophic for mountain resort communities and encouraged board members to learn more about it and send letters opposing its approval.

**EAGLE RIVER FIRE PROTECTION DISTRICT (ERFPD) REQUEST FOR SUPPORT OF BALLOT INITIATIVE A**

Todd Goulding spoke on behalf of the ERFPD. This May the ERFPD is asking voters to approve a two mill levy increase, with the funding being dedicated to maintaining and replacing equipment and facilities. ERFPD is responding to more calls each year and existing revenue will not cover the projected costs going forward. The mill levy increase voters approved in 2012 restored property tax revenue to 2010 pre-recession levels and is limited to that funding level.

The proposed mill levy increase is based on a 2019 apparatus study ERFPD completed. Fire trucks and equipment costs are increasing approximately 6% per year. ERFPD had intended to ask voters for the 2 mills increase in 2020 and pulled the ballot question due to the COVID-19 pandemic. ERFPD is required to maintain an emergency fund in case of firefighting emergencies that require resources from outside entities.

Kim Tofferi asked if ERFPD has factored the projected property valuation increase into their modeling and what this increase would cost homeowners?

ERFPD noted they have considered the projected increase in tax revenue and determined that even with that additional revenue it will not be sufficient to meet equipment and operating costs. The 2 mills increase would cost residential homeowners approximately \$11.92/month/million in valuation. The increased revenue is capped at \$2 million in 2024 and can increase in subsequent years.

Melissa Nelson asked about other revenue sources and what residents of towns served by ERFPD pay?

ERFPD commented that residents in Avon, Minturn, and Red Cliff pay the same rate as residents in unincorporated areas.

---

**RECORD OF PROCEEDINGS**  
Berry Creek Metropolitan District

---

A question was asked about what is motivating the request this year. ERFPD responded that they are spending \$1.8 million per year on new equipment and \$2.8 million per year maintaining existing equipment. All other operating costs continue to increase as well. The requested 2 mills increase equates to approximately a 20% increase in total mills for ERFPD. It was noted the funding gap begins in 2024 and 2025 and gets worse without the requested dedicated property tax increase. ERFPD confirmed there is not a cap on revenue generated for this requested mill levy increase like there was in the 2012 increase. They also noted that wildfire mitigation projects have been funded separately by the communities most impacted by the mitigation.

Chuck Powers spoke in favor of the requested mill levy increase and remarked that ERFPD does an excellent job and in order to maintain high quality staffing and equipment this additional funding is needed. He then suggested BCMD should consider rebating additional funds BCMD may realize due to increased property valuations and that the BCMD should work with other entities to encourage Eagle County to rebate additional revenue they may also receive due to the increased valuations.

ERFPD encouraged the BCMD to adopt the resolution in support of Initiative A to memorialize their support. They noted that Eagle Vail Metro approved a resolution in support of the efforts and Bachelor Gulch Metro tabled a similar resolution.

Ken Marchetti, speaking as an ERFPD taxpayer, spoke about how much ERFPD does and the great job they do. He explained that based on the information currently available his calculations show that this will cost homeowners \$11.92/month/million in 2024 and that will increase to \$20.26/month/million in 2025. For commercial properties it goes from \$48.33/month in 2024 to \$82.16/month in 2025. Further, if the State were to reduce the residential assessment rate, then the mills in the ballot measure would be increased to offset the reduced assessment rate.

Chief Bauer clarified that ERFPD has considered the anticipated property valuation increase into their modeling for 2024 and beyond.

Following the discussion, the BCMD Board agreed to take no position on the proposed 2 mills increase for ERFPD. They did express gratitude for the exceptional service ERFPD provides and they look forward to continuing their partnership on wildfire mitigation projects.

**COMMUNITY ENHANCEMENT PLAN UPDATE**

Pedro Campos, Zehren & Associates, provided a quick overview of the process. The goal is to now prioritize suggested improvements and amenities. Trailhead signs and digital mapping was a frequent request and is reasonable to accomplish in 2023, along with the re-roofing project and irrigation replacement projects. Traffic calming and a sound wall were requested frequently as well.

SPOA noted they have no funds to contribute to any future projects or planning efforts.

---

**RECORD OF PROCEEDINGS**  
Berry Creek Metropolitan District

---

It was agreed that a survey should be sent to residents asking them to prioritize the requested improvements.

**FEBRUARY 28, 2023, MEETING MINUTES**

The Board reviewed the February 28, 2023, meeting minutes. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the February 28, 2023, meeting minutes as amended.

**OPEN ITEM STATUS REPORT**

There were no changes to the report.

**OPERATIONS**

There were 7 or 8 roofing proposals received. Recommend working with the three lowest bidders to secure a contract. Availability of materials and schedule will be a key factor in the final decision. The selected contractor will need to sign a contract that complies with state statute and is approved by BCMD legal counsel.

Working on getting bids to seal and repaint the parking lot and basketball court at the Community Center.

**FEBRUARY 2023 FINANCIAL STATEMENT**

In light of recent banking issues there was a discussion about having more than \$250,000 invested in Colo Trust. It was noted that Colo Trust is a bank exclusively for governmental entities, is fully collateralized based on statutory requirements and is considered very high quality. A copy of Colo Trust's most recent audited financial statement will be included in the April board packet.

There was also a discussion about the possible value in redeeming early some low interest rate CDs and re-investing into higher yielding investments. For April, an analysis will be completed to better understand the costs and benefits of converting CDs into alternative investments. Ken noted that the investment policy has historically been to have approximately 1/2 of funds in Colo Trust and 1/2 of funds in CDs.

Ken Marchetti clarified he intends to continue working for approximately 6 more years, and Marchetti & Weaver is working on succession planning. Erin McCaulley is BCMD's new account manager as Cheri Curtis is preparing to retire in 2024. Following the discussion, by motion duly made and seconded, it was unanimously

**RESOLVED** to accept the February 2023, financial statement as presented.

---

**RECORD OF PROCEEDINGS**  
Berry Creek Metropolitan District

---

**PAYMENT OF MARCH INVOICES**

The ERFPD invoice amount has been corrected. Following review of the payments, by motion duly made and seconded, it was unanimously

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

**UPPER EAGLE REGIONAL WATER AUTHORITY UPDATE (UERWA)**

- George Gregory has an eyewitness report and the water level at Lake Meade is shockingly low.
- The Snowtel site at Fremont Pass shows below normal snowpack, consequently water may need to be pumped up to fill the Eagle Park Reservoir.
- The DO NOT FLUSH labeling legislation is on track to become law, it is awaiting the governor's signature.
- Good news – the bug count in Black Gore, Gore, and Red Sandstone Creeks as well as the Eagle River are improving following after truly damaging events.

**COMMUNITY MANAGER REPORT**

- On-street parking is allowed during the day for construction. Parking on one side of the street only is requested.
- Singletree will host a sustainability event for residents on June 29, from 4 PM to 6 PM. Representatives from the Climate Action Collaborative, Holy Cross Energy, ERWSD, and hopefully REALFire will be to provide information and help residents sign up for programs.
- Community Pride Highway Cleanup is scheduled for Saturday, May 6. Singletree has adopted a mile section just south of the community again this year.

**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 March 2023.

Respectfully submitted,

Nina Timm