
RECORD OF PROCEEDINGS

Minutes of the Meeting of the Board of Directors of Berry Creek Metropolitan District on April 25, 2023

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

SPOA Directors in attendance:

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

Also, in attendance were:

- Ken Marchetti, Marchetti & Weaver
- Nina Timm, Community Manager
- Dan Carlson, Facilities Manager
- Chris Neuswanger, Resident
- George Gregory, Resident
- Joanna Kerwin, Edwards Metro District Board, virtually
- Linn Brooks, Holy Cross Energy Candidate
- Hugh Fairfield-Woods, Eagle Valley Wildland
- Stacy Todd, Eagle Valley Wildland

CALL TO ORDER

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

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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

There were no changes to the agenda.

PUBLIC INPUT

Joanna Kerwin, Edwards Metro District Board Member, let everyone know that their May 2023 election has been cancelled. Todd Williams and Mike Trueblood will be re-appointed, and Kris Miller will be appointed to fill the vacancy. Edwards Metro will be installing 5 Shift E-Bike Rental locations throughout Edwards. Edwards Metro has also engaged a firm to conduct a comprehensive Edwards area traffic study. They are working to have flashing pedestrian lights installed at all crosswalks throughout Edwards and they would like to be on the May agenda to discuss the progress they are making on the Miller Ranch Road pedestrian lighting project, noting that Miller Ranch Road is in both the Edwards Metro District and BCMD boundaries.

Chris Neuswanger expressed concern over Eagle County's use of the Location and Extent development review process that will increase the number of housing units on Miller Ranch Road. Colorado Mountain College, Eagle County School District, and Eagle County have used this government review process for each of their housing developments and they do not appear to be considering the additional traffic impacts these housing units will generate. He expressed concern that more people will be using the roads and parks in Singletree because of these additional units. He recommended the boards meet with the County to discuss these impacts and any mitigation efforts.

Linn Brooks introduced herself and asked for residents to vote for her in the Holy Cross Energy board election. Holy Cross Energy members will be mailed ballots or can vote online.

EAGLE VALLEY WILDLAND SUMMER MITIGATION PROJECT UPDATE

Hugh Fairfield-Smith, Eagle Valley Wildland Fire Management Officer, provided a Singletree wildfire mitigation project update. Last fall mitigation work in Unit 4 west of June Creek and this spring the I-70 fuel break along with Mow Line No. 1 were finished. To date, 12-acres have been mitigated in Singletree. The plan is to complete the higher/northern units as well as Unit 5 this spring. There has been no negative feedback from the community related to any of this work.

Stacy Todd was introduced as the new Eagle County Wildfire Collaborative Coordinator. She is working to get the community engaged in updating the Community Wildfire Protection Plan.

The Board asked a question about any next mitigation steps for Singletree. Hugh Fairfield-Smith noted that as they have spent more time in the community, they have identified a handful of small units that would be beneficial to mitigate. They believe

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some of these units may be owned by the Sonnenalp Golf Course. They recommend Singletree focus on individual property owner mitigation projects and community-wide chipping days to continue to reduce wildfire risk in Singletree.

Conversations continue with the USFS about mitigation efforts on USFS lands. The process is ongoing and continues to move slowly. Eagle Valley Wildland has reached out to Congressman Neguses's office to help expedite the discussion.

MARCH 28, 2023, MEETING MINUTES

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

RESOLVED to approve the March 28, 2023, meeting minutes.

OPEN ITEM STATUS REPORT

- The Board requested a meeting be set up with BCMD, Edwards Metro District and the appropriate people at Eagle County to discuss new developments on Miller Ranch Road.

OPERATIONS

Working with Loff and AG Roofing to sign a contract to replace the roof on Building A. Dan Carlson is getting his car wired to legally tow the digital MPH sign and expects to have it placed in Singletree in the first week in May. Currently getting bids for parking lot as well as stop bars and crosswalks. Eagle County will paint the road stripes.

MARCH 2023 FINANCIAL STATEMENT

Nothing of significance to report in the financial statement. 2023 Capital Projects will be updated to no longer reflect solar installation as part of reroofing. It was noted that new property valuations will be sent to property owners in May. It appears that the Colorado legislature will not amend the 6.765% assessment rate for residential property. Future financial reports will include the anticipated new Singletree property valuation base. The amount of future property tax revenue BCMD will need to be determined, in part, by the Community Enhancement Plan and the community's willingness to pay for the desired enhancements. BCMD can consider a temporary mill levy credit if it determines the revenue is not necessary and/or there is no community support for proposed enhancements. Any mill levy credit can be temporary and be reinstated by the BCMD Board, as necessary. The current reserve policy is one-year of operating expenses and can be amended by Board action.

There was a discussion of the existing Certificates of Deposit analysis provided by Ken Marchetti. The CDs are marketable and can be sold. He noted they were purchased with the intention of holding them to maturity. Ken recommended BCMD maintain their current CDs and investments in ColoTrust until the roof replacement and irrigation replacement projects are complete. ColoTrust is currently paying a favorable interest rate; the rate does fluctuate with market conditions. There are indications that interest rates may fall in the future.

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

RESOLVED to accept the March 2023, financial statement as presented.

PAYMENT OF APRIL INVOICES

Discussion of BCMD's insurance costs occurred. BCMD participates in a Colorado Special District insurance pool and has consequently paid favorable annual premiums. Following review of the payments, by motion duly made and seconded, it was unanimously

RESOLVED to approve the April invoices for payment.

UPPER EAGLE REGIONAL WATER AUTHORITY UPDATE (UERWA)

- ERWSD strongly opposes SB23-213 and has written and testified to amend or defeat the bill.
- The State of Colorado now recognizes ERWSD and UERWA as one entity since their operating systems are so integrated.
- Local Snowtel sites are at historic average levels. Lake Dillon is expected to fill this year, with Homestake not expected to be full, and Wolford being uncertain at this time.
- We will have to do a lot more with a lot less water going forward!

COMMUNITY MANAGER REPORT

- We need more volunteers for the highway cleanup on May 6.
- Community Enhancement Survey responses have been strong.
- Residents are signing up for the May 30 community-wide chipping day.
- Gym use is up, and new rules have been posted.

EXECUTIVE SESSION

By motion duly made and seconded, it was unanimously

RESOLVED the BCMD and SPOA Boards move into a joint executive session to discuss personnel matters related to the Community Manager's annual review C.R.S. 24-6-402(4)(f).

The Boards adjourned from joint executive session at 6:25 p.m.

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 April 2023.

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Respectfully submitted,

Nina Timm