
RECORD OF PROCEEDINGS

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

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

SPOA Directors in attendance:

- Jennie Longville May
- Lorry Prentis
- Ron Rubinoff, virtually

Also, in attendance were:

- Ken Marchetti, Marchetti & Weaver
- Nina Timm, Community Manager
- Dan Carlson, Facilities Manager
- Pedro Campos, Zehren & Associates, virtually
- Hugh Fairfield-Smith, Eagle Valley Wildland
- Matt Pielsticker, Town of Avon, virtually
- Joanna Kerwin, Edwards Metro District Board
- George Gregory, Resident
- Russ Meyer, Resident, virtually

CALL TO ORDER

Director Holm called the Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District to order July 25, 2023, at 4:05 p.m., noting a quorum was present.

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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

Joanna Kerwin, Edwards Metro District, provided the Board with an update on Edwards Metro District's two lighting projects. The Miller Ranch Road pedestrian lighting project is underway, and Edwards Metro is considering combining the second and third phases of the project into one phase. They are waiting for additional information on the flashing crosswalk lights but are still planning to start on the project in September.

Russ Meyer, resident, asked about requirements for individual property owners to mitigate wildfire risk on their property. It was noted that BCMD and SPOA encourage residents to get REALFire property assessments and complete the recommended mitigation to reduce their wildfire risks.

COMMUNITY ENHANCEMENT PLAN PRESENTATION

Pedro Campos from Zehren & Associates presented the updated Community Enhancement Plan and updated Implementation Matrix, following the boards' input at the previous meeting. Additional text has been added to further clarify the purpose and anticipated use of the Implementation Matrix, and the proposed timelines have been removed. The timelines remain on the survey response data to reflect the survey data as it was presented.

The boards provided additional feedback and requested that language be added to clarify that even though a project is included in the Implementation Matrix it may or may not be completed based on future resources and community input. With so few board members in attendance for either board, no action was taken.

EAGLE VALLEY WILDLAND REQUEST TO COMPLETE ADDITIONAL WILDFIRE MITIGATION PROJECTS ON PROPERTY OWNED BY BCMD

Hugh Fairfield-Smith, Eagle Valley Wildland, presented a plan to add four additional treatment areas to the Singletree plan. The proposed new areas were identified while the previously approved mitigation projects were underway. The new areas will be treated with mosaic pattern mitigation to reduce fuel continuity and provide fire fighters with a tactical advantage in a wildfire situation. There will be no cost for the four proposed areas; costs will be covered by Eagle Valley Wildland grant dollars. The

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previously approved work as well as this work should be completed in September. Following the discussion, by motion duly made and seconded, it was unanimously

RESOLVED to authorize wildfire mitigation on the four additional parcels that have been identified by Eagle Valley Wildland.

TOWN OF AVON REQUEST TO USE A PORTION OF BCMD OWNED PROPERTY AT BERRY CREEK RANCH FILING 3 TRACT D, LOCATED AT THE JUNE CREEK TRAILHEAD FOR AN EMERGENCY ONLY ACCESS TRAIL

Matt Pielsticker, town of Avon, explained Avon has completed the Location and Extent review process and they have received approval from Eagle County for the requested emergency only access trail. The United States Forest Service (USFS) has granted preliminary approval and Avon expects final approval from the USFS this winter. Eagle Valley Land Trust has also given their approval for the proposed changes to the trail. An updated FAQ sheet was provided in the meeting packet as well as a draft IGA/ Easement agreement. The draft agreement has been reviewed by BCMD's legal counsel and it was noted that the agreement, as drafted, is in perpetuity.

With only three board members present, the Board said thank you for the work that has been completed and they will need to wait for all members to be present before acting on the request.

JUNE 27, 2023, MEETING MINUTES

The Board reviewed the June 27, 2023, meeting minutes. By motion duly made and seconded, it was unanimously

RESOLVED to approve the June 27, 2023, meeting minutes.

OPERATIONS

- Trevor Broersma provided a new contact for more information about solar powered streetlights.
- Pointed out the glitter/confetti that was left on the floor from the party on Sunday, July 23. The rental agreement prohibits glitter in the Assembly Hall.

OPEN ITEM STATUS REPORT

- Request to get the crosswalk at the intersection of Rawhide and Winslow Roads be painted on the south side of the intersection.

JUNE 2023 FINANCIAL STATEMENT

The Board reviewed the financial statement included in the packet. A new line for crosswalk, stop bar, and speed bump painting has been added to the routine expenses category. The new trash can was added to the capital/non-routine expense category. Following the discussion, by motion duly made and seconded, it was unanimously

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

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PAYMENT OF JULY INVOICES

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

RESOLVED to approve the July invoices for payment.

UPPER EAGLE REGIONAL WATER AUTHORITY UPDATE (UERWA)

- Operating revenues are down from budget but over 2022 revenues.
- Working to move the Bolts Lake headgate out of a designated wilderness area. This designation prohibits the use of heavy equipment and would require necessary work and repairs to the headgate area to be done by hand.
- Lake Powell is currently up 41'. There is no change in Lake Mead's level.
- UERWA remains out of water to serve any upzoned development. Staff are proposing Eagle River Water & Sanitation District consider leasing water to UERWA to serve newly approved development. UERWA has sufficient water to serve existing entitlements.

COMMUNITY MANAGER'S REPORT

- Eagle County will be placing new speed limit signs along Berry Creek Road. There has been increased traffic patrol in the community.
- The re-roofing project is complete and came in approximately \$4,000 over the contract amount due to additional snow retention being required.

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 July 2023.

Respectfully submitted,

Nina Timm