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## RECORD OF PROCEEDINGS

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### **Minutes of the Meeting of the Board of Directors of Berry Creek Metropolitan District on August 22, 2023**

The Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held August 22, 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
- Melissa Nelson
- Trevor Broersma, virtually

SPOA Directors in attendance:

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

Also, in attendance were:

- Dan Carlson, Facilities Manager
- Ken Marchetti, Marchetti & Weaver
- Nina Timm, Community Manager
- Charlie Dawson, Resident
- Chris Neuswanger, Resident, virtually
- George Gregory, Resident
- Kim Tofferi, Resident
- Marc Prisant, Resident
- Kevin Sharkey, ECO Trails
- Robin Thompson, ECO Trails

#### **CALL TO ORDER**

Director Holm called the Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District to order August 22, 2023, at 4:00 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**

Chris Neuswanger, resident, looks forward to both boards discussing recording their joint meetings and making the recordings available for viewing. He also suggested the community look at installing wildfire warning sirens.

Kim Tofferi, resident, asked for more information on the Community Enhancement Plan and the associated Implementation Matrix as well as more information about changes to CCIOA and how SPOA is complying with those changes. She also suggested that there be a question-and-answer session at the end of each meeting so residents can follow up on items that were discussed during the meeting rather than waiting a month for the next meeting.

**EAGLE VALLEY TRAIL COMPLETION UPDATE**

Kevin Sharkey, ECO Trails Manager, thanked the Board for their financial support this year and requested financial support again in 2024. The Vail Valley Trail section from Dotsero to the Duck Pond, Dowd Junction to Eagle Vail, as well as Dowd Junction to Minturn will open this year. The section from Horn Ranch (east of Eagle) to Edwards remains to be done. \$11 million is needed to complete this section of trail. The trail has been designed from Horn Ranch to Wolcott and the design has not been completed from Wolcott to Edwards. Completion of this section of trail will allow safe non-vehicular travel up and down the entire valley.

ECO Trails is offering a variety of naming options as fundraisers. Marc Prisant, resident, noted he has not heard about these fundraising opportunities and would like to donate to get the trail completed. There was discussion about sending out an email on ECO Trails behalf. It was also suggested an article in Stroll Singletree may be a good way to get information out to residents about donating to the ECO Trails campaign.

**SETTING THE DATE AND TIME FOR BCMD'S ANNUAL MEETING**

It was determined that BCMD is not required to host an annual meeting based on the District's formation date.

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**JULY 25, 2023, MEETING MINUTES**

The Board reviewed the July 25, 2023, meeting minutes. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the July 25, 2023, meeting minutes.

**OPEN ITEM STATUS REPORT**

- Request a meeting with Eagle County Engineer to evaluate crosswalk painting locations at Winslow and Rawhide Roads.
- Remove the Buckboard Park path replacement project from the report, as it was determined it is not currently needed.
- Dan Carlson is working to establish the best locations to regrade the recreation path near Chip Ramsey Park to reduce snow and ice buildup in the winter.
- ECO Trails' contribution request will be added to future funding considerations.

**OPERATIONS**

- Dan Carlson replaced the solar panel that was broken on the mobile MPH trailer after the trailer was pushed into the ditch and the solar panel broke.
- The light post fell over at Stetson and Rawhide. It was the first light post installed and is the only 6" x 6" that was used. The other poles throughout the community are 8" x 8" and should be sufficiently sized to hold solar panels.

**JULY 2023 FINANCIAL STATEMENT**

The Board reviewed the financial statement included in the packet. There was discussion about the potential impact of ballot measure HH which is on the November ballot. Two budget projection lines have been added for 2024, with and without the financial impacts of HH. Due to this uncertainty, the time for budget adoption has been extended. Following the discussion, by motion duly made and seconded, it was unanimously

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

**PAYMENT OF AUGUST INVOICES**

It was noted that board members' compensation was for the July meeting and not the June meeting listed on the payables. Following review of the payments, by motion duly made and seconded, it was unanimously

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

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

- Water and sewer rates will increase in 2024.
- 2 wastewater treatment plants require updating to comply with regulations.
- If customers have a water leak in their home, they are given a one-time dispensation. This does not extend to outdoor irrigation leaks.

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- Noted that the UERWA does not have any water to serve any upzoning that may occur in their service area. Notices to serve must be issued on a first come first served basis.
- A question was asked about illegal additional units created and their impact(s) on water use and who monitors that?

**COMMUNITY MANAGER'S REPORT**

- There was a request to send information to residents about the monthly servicing of the Charolais Circle pond via community email.
- The Summer Party was a success, and more than 600 residents attended the event. There was discussion about adding live music and/or cozies/party favors.
- Edwards Metro District authorized the completion of Phases II and III of the Miller Ranch Road pedestrian lighting project. Phase I should be complete and light up by the end of August.
- Edwards Metro District has requested a \$40,000 contribution from BCMD for the installation of flashing pedestrian lights at the I-70 crosswalks in the BCMD service area. Installation of the flashing pedestrian lights along the Spur Road is anticipated to begin in late August.
- Requested a copy of Edwards Metro District's most recent sales tax report be sent to board members.

**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 22<sup>nd</sup> day of August 2023.

Respectfully submitted,

Nina Timm