
RECORD OF PROCEEDINGS

Minutes of the Meeting of the Board of Directors of Berry Creek Metropolitan District on September 26, 2023

The Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held September 26, 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
- Melissa Nelson
- Trevor Broersma, virtually

SPOA Directors in attendance:

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

Also, in attendance were:

- Dan Carlson, Facilities Manager
- Ken Marchetti, Marchetti & Weaver
- Nina Timm, Community Manager
- Chris Neuswanger, Resident
- Dave Irwin, Resident
- Debbie Irwin, Resident
- Marc Prisant, Resident

CALL TO ORDER

Director Holm called the Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District to order on September 26, 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 to be taken at the meeting. The Board determined that the participation of

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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, commented that he hopes the boards begin to record their meetings and post them online.

Dave Irwin, resident, explained he is a longtime resident in Eagle County and Singletree, and he wanted to know why the speed limit on Berry Creek Road was reduced to 25 MPH. He has spoken with at least 100 residents and has found no support for this change. He encouraged the board to return to the 35 MPH limit on Berry Creek Road from the west entrance until the Winslow Road intersection.

The boards responded that the roads in Singletree are public roads that are maintained by Eagle County and patrolled by the Eagle County Sheriff, and the boards do not set the speed limit on roads in Singletree. The speed limit was reduced based on community input to the boards, through the Community Enhancement Plan process, and additionally based on the community's input to the Eagle County Sheriff's Office and the Eagle County Road & Bridge department. Traffic calming and road safety is a challenge throughout Singletree. The boards requested help finding solutions to this challenge.

Marc Prisant, resident, agreed that speeding is an issue throughout Singletree and mentioned the reduced speed limit only adds a couple of seconds to a drive. He encouraged placing more of the new crosswalk signs in Singletree because he believes they are effective.

AUGUST 22, 2023, MEETING MINUTES

The Board reviewed the August 22, 2023, meeting minutes. By motion duly made and seconded, it was unanimously

RESOLVED to approve the August 22, 2023, meeting minutes.

SEPTEMBER 18, 2023, MEETING MINUTES

The Board reviewed the September 18, 2023, meeting minutes. By motion duly made and seconded, it was unanimously

RESOLVED to approve the September 18, 2023, meeting minutes.

OPEN ITEM STATUS REPORT

- Outside entities' funding requests have been moved to a separate report.
- 2 additional portable crosswalk signs will be ordered and placed at crosswalks on Berry Creek Road.

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OUTSIDE ENTITIES' FUNDING REQUESTS

This is a new report, and funding requests are no longer included in the Open Item Status Report. It was clarified that these items are not currently included in BCMD's budget, but rather these are the financial requests other entities have made for BCMD's consideration.

Questions were asked about why other entities request money from BCMD and what the obligation is to fund the requests. Some of it was explained that the BCMD service area includes the 5th filing of Berry Creek Ranch, south of I-70. BCMD does not collect any property taxes from that portion of the service area because all of the property owners are other governmental entities (Eagle County School District, Eagle County, etc.), which are exempt from property taxes.

Singletree residents are able to use Mountain Rec's services, but they are not part of Mtn Rec's taxing district. Singletree was not included in Mtn Rec's taxing district because initially Singletree provided its own recreational amenities (golf, etc.) to residents.

It was noted that Edwards Metro District made a unilateral decision to install pedestrian lighting along Miller Ranch Road as well as the flashing pedestrian crosswalk lights along the Spur Road. Different than BCMD, Edwards Metro District has sales tax collections along with property taxes as funding sources.

MTN RECREATION'S REQUEST FOR A CONTRIBUTION TO THE OUTDOOR ICE RINKS AT FREEDOM PARK

Mtn Recreation included information about the annual operating costs for the outdoor ice rinks at Freedom Park. These are an amenity that many residents in Singletree enjoy. Based on the adopted budget and following discussion, by motion duly made and seconded, it was unanimously

RESOLVED to contribute \$3,200 to Mtn Recreation for outdoor ice rinks at Freedom Park for 2023.

COMMUNITY WILDFIRE RISK MITIGATION PROJECTS

- There was a request for more information about the cost to install wildfire warning sirens in Singletree.
- The town of Avon will be on the October 24, 2023, meeting agenda to ask for approval of their requested emergency only access easement at the June Creek trailhead.

OPERATIONS

- The new light pole for the Stetson Road stop sign should be here around October 10, and will be installed thereafter.

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- Trenching will begin the week of October 2, to repair the electric line to the streetlight at Stagecoach Road.
- After further research, switching to solar powered streetlights will require all new poles and fixtures. In order to not have a hodgepodge of fixtures they would all need to be replaced at the same time.
 - The Board agreed that repairing the existing lights as they have issues is the appropriate action at this time. Also, look at boring under driveways and roads rather than cut them to make repairs.
- The board asked Dan to check out the blue bench on the far side of the field and make sure it is in good repair.

AUGUST 2023 FINANCIAL STATEMENT

There was a discussion about the fees the County Treasurer's Office charges for collecting property taxes, specific ownership tax, and lottery funds. The property tax fee is set at 3% of collections by the state of Colorado. Specific ownership taxes and lottery funds collection fees are a separate more complicated formula and are withheld before BCMD receives the funds. There was discussion about the total cost of the Landscapes Unlimited contract amount and payments for the irrigation replacement project. The project is on time and on budget based on approved change orders. "Solar installation" will be removed from the description of the roof replacement capital project since that was not part of the approved replacement project in 2023. Following the discussion, by motion duly made and seconded, it was unanimously

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

PAYMENT OF SEPTEMBER INVOICES

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

RESOLVED to approve the September invoices for payment.

SELECTION OF A 2023 AUDIT FIRM

The firm BCMD has previously used for its annual audits is no longer doing audits. Marchetti & Weaver sent out an RFP for a new auditor. Three bids were received from firms that Marchetti & Weaver have worked with in recent years. McMahan and Associates is a local firm that BCMD has previously engaged. Following the discussion, by motion duly made and seconded, it was unanimously

RESOLVED to engage McMahan and Associates for BCMD's 2023 audit.

UPPER EAGLE REGIONAL WATER AUTHORITY UPDATE (UERWA)

- Base water and sewer rates will increase 11% in 2024, for the typical water user. Rates will increase more for higher tier users.
- Irrigation only accounts are only 3.8% of the total accounts but amounts to 60.55% of water use.

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- The outdoor rebate program aimed at individual water conservation projects will be funded again in 2024, and the Colorado Water Conservation Board awarded grants to both ERWSD and UERWA to continue the rebate program.
- Reservoirs used to meet ERWSD and UERWA needs are currently 100% full.
- ERWSD and UERWA achieved Gold Medal status from the Colorado Green Business Network.

COMMUNITY MANAGER'S REPORT

- During the last Charolais Pond servicing of the summer they treated weeds that were growing on the bottom of the pond. The cooler wetter summer made for better pond conditions this summer.
- There were 15 residents that showed up for the Mesquite Trail workday and they got a lot of work done in the area. They were respectful of the work and conditions the wildfire mitigation team left.
- Edwards Metro District has completed the first phase of pedestrian lighting along Miller Ranch Road. They hope to complete the last two phases this year. Installation of the flashing pedestrian crosswalk lights on the Spur Road is almost complete too.
- An email regarding Avon's October 24 scheduled request for an easement at the June Creek Trail will go out the first week in October.
 - The Board requested that Avon's request be the first item on the meeting agenda, ahead of Public Input unrelated to this matter.
- October 29, is the Halloween Party; November 16, is the Wine Tasting; and December 10, is the Holiday Party.
- It was clarified that if a resident has a personal safety concern, they should call the Sheriff's Office.

RECORDING JOINT BOARD MEETINGS DISCUSSION

The boards discussed recording their meetings to provide additional transparency. They acknowledged that each board is subject to different rules and statutes, and this may pose challenges to recording and conducting the joint meetings. They requested more information from each of their respective attorneys on how best to handle the proposed recording of the meetings and what procedures would need to be put in place.

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 26th day of September 2023.

Respectfully submitted,

Nina Timm