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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 December 5, 2023**

The Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held December 5, 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, Virtually

SPOA Directors in attendance:

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

Also, in attendance were:

- Dan Carlson, Facilities Manager
- Ken Marchetti, Marchetti & Weaver
- Nina Timm, Community Manager
- Charlie Dawson, Resident
- Helen Burton, Resident – Virtually
- 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 December 5, 2023, at 4:00 p.m., noting a quorum was present.

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**RECORD OF PROCEEDINGS**  
Berry Creek Metropolitan District

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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 to 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**

Helen Burton, resident, encouraged the boards to record their meetings and make the recordings available only on request. She is pleased with the transparency of the board meetings today, but the meeting time is not always convenient to attend.

Charlie Dawson, resident, thanked the BCMD Board for approving the emergency only access easement at June Creek. He suggested looking at a permeable road surface material that includes a plastic or metal grate that allows vegetation to grow through. He encouraged the Board to consider installing emergency evacuation route signs because evacuating during an emergency can be stressful and confusing.

**ERWSD PRESENTATION OF 2024 WATER AND WASTEWATER RATES**

Siri Roman and David Norris of ERWSD were introduced by George Gregory. ERWSD rate change information for 2024 has been mailed to all customers. ERWSD is the 25<sup>th</sup> largest utility in Colorado and has the third most infrastructure. The topography makes water and wastewater more challenging here. Like all utilities ERWSD is facing increasing regulations and has fewer customers to spread the costs over, unlike large metropolitan utility providers. They are also facing reduced snowpack with earlier runoff and hotter summers than ever before. They do not see a time where annual cost increases will be less than 10%. To increase their resiliency, they are adding Bolts Lake Reservoir which will cost approximately \$100 million and is projected to be completed in 2029. When complete it will also provide limited seasonal recreation opportunities.

ERWSD is working with customers to reduce water waste! To help encourage this, tiers are being reallocated in 2024 for most customers (remaining customers in 2025) and will no longer provide an advantage to larger homes with more than one SFE allocation. Customers can sign up for the Water Smart app on their phones so they can monitor water use in real time and be notified of out of the ordinary use which may be a leak or burst. They are providing cash rebates for customers that replace irrigated lawn with native or drought tolerant landscaping and will provide a complimentary irrigation audit.

Marc Prisant remarked that he is outraged that larger homes have not been paying their fair share for water use over the years. He also wanted to ensure that the new smart

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

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meters ERWSD has been installing over the past several years are providing accurate data.

David Norris noted that they audit some meters monthly to ensure they are getting accurate usage data and ERWSD staff and board are working to ensure that water use rates are equitable going forward.

**EAGLE COUNTY CONSERVATION DISTRICT PROGRAM OUTREACH**

Allegra Waterman-Snow with the Eagle County Conservation District (ECCD) provided an overview of the services that the ECCD provides in Eagle County. They provide financial and technical assistance for natural resource conservation including soil health, water ditch improvements, turf replacement, virtual fencing for ranchers, noxious weed mitigation and revegetation, and educational resources to landowners throughout Eagle County. They are here to help Singletree property owners with conservation assistance.

ECCD has been in existence since 1959 and was reactivated in 2020 with Eagle County hiring a staff person for the ECCD. Except for the staff person being paid for by Eagle County, the ECCD is exclusively funded by non-renewable grants. To establish perpetual funding, their plan is to request the smallest dedicated mill levy possible in the November 2024 election. It is estimated to cost \$200,000 for election hard costs including ballot printing, mailing, etc. To help with these costs they are reaching out to local partners to educate them about the services the ECCD provides as well as request a donation to help cover the estimated \$200,000 cost of their election. They are requesting BCMD make a onetime contribution of \$5,000 to help cover the election costs.

**OCTOBER 24, 2023, MEETING MINUTES**

The Board reviewed the October 24, 2023, meeting minutes. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the October 24, 2023, meeting minutes.

**OPEN ITEM STATUS REPORT**

No changes were made to the open item status report.

**OUTSIDE ENTITIES' FUNDING REQUESTS**

ECCD's request was added to the report. There was a request that a form be created that provides the Board with specific information about entities making funding requests and how they benefit Singletree residents.

**OPERATIONS REPORT**

- Would like to add gravel buckets along the recreation path in keys areas where the trees keep the path icy for much of the winter.

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**RECORD OF PROCEEDINGS**  
Berry Creek Metropolitan District

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**OCTOBER 2023 FINANCIAL STATEMENT**

The Bank of Baroda Certificate of Deposit matures later this month. Ken Marchetti will work with Melissa Nelson to identify the best three-to-five-year re-investment option for those funds. It was noted that the Sonnenalp Golf Course is treated as commercial property from a taxing perspective. Following the discussion, by motion duly made and seconded, it was unanimously

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

**PAYMENT OF NOVEMBER INVOICES**

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

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

**UPDATED 2024 MILL LEVY RESOLUTION**

An updated 2024 mill levy resolution was prepared to reflect the action the Colorado state legislature took in regard to real property valuations and assessment rates. The updated resolution does not change the amount of revenue nor expenditures approved in the 2024 budget. Following the discussion, by motion duly made and seconded, it was unanimously

**RESOLVED** to approve the updated 2024 Mill Levy Resolution as corrected.

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

- ERWSD staff spent months evaluating every customer's water usage and bills to ensure the proposed rate and tier changes were fair.
- ERWSD has opted out of the proposed PFAS class action settlement as their payout was approximately \$400,000 over 12 years and would not cover the cost of complying with new regulations related to PFAS in water.

**COMMUNITY MANAGER'S REPORT**

- Singletree has been recognized as a Firewise USA community for another year.
- Singletree's Holiday Party is Sunday, December 10, from 4 PM to 6 PM.
- Included the 2024 joint meeting schedule with meetings scheduled to begin at 4 PM on the fourth Tuesday of each month, except November and December.

**COMMUNITY ENHANCMENT PLAN ADOPTION**

The plan has been distilled down to an introduction of the yearlong planning process and the Prioritization Matrix. All of the appendices, including survey results, etc. will be available upon request. It was noted that this is a decision-making tool and does not commit the BCMD Board to any specific projects or timeframes. Following the discussion, by motion duly made and seconded, it was unanimously

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**RECORD OF PROCEEDINGS**  
Berry Creek Metropolitan District

---

**RESOLVED** to adopt the Community Enhancement Plan as presented.

**UPDATE ON RECORDING BCMD MEETINGS**

There was continued discussion on recording the joint meetings. There was consensus that recording meetings is not necessary as the meetings are always open, there is a virtual option to attend meetings, board packets are sent to those who request them in advance of the meeting, and minutes are posted online after meetings.

**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 5<sup>th</sup> day of December 2023.

Respectfully submitted,

Nina Timm