
RECORD OF PROCEEDINGS

Minutes of the Meeting of the Board of Directors of the Berry Creek Metropolitan District on February 25, 2025

The Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado, was held February 25, 2025, 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
- Melissa Nelson, Virtually
- Trevor Broersma

Also, in attendance were:

- Ken Marchetti, Marchetti & Weaver
- Nina Timm, Community Manager
- Dan Godec, SPOA Board Member
- Jennie Longville May, SPOA Board Member
- Karen Zavis, SPOA Board Member
- Lorry Prentis, SPOA Board Member
- Ron Rubinoff, SPOA Board Member, Virtually
- Charlie Dawson, Resident
- George Gregory, Resident
- Norton Cutler, Resident
- Russ Meyer, Resident
- Hugh Fairfield-Smith, Eagle Valley Wildland
- Tim Swaner, Eagle Valley Wildland

CALL TO ORDER

Director Holm called the Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District to order February 25, 2025, at 4:00 p.m., noting a quorum was present.

RECORD OF PROCEEDINGS

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 facts and summary nature of any matters as required under Colorado law, to permit the 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

Norton Cutler, a resident, voiced objections to the meeting, expressing that it potentially violates the Colorado Open Records Act. He raised several concerns during the discussion:

1. **Sonnenalp Golf Course Issue:** Mr. Cutler believes the golf course is infringing upon residents' rights, particularly regarding residents' access to and use of the course. He emphasized the need for the situation to be addressed.
2. **Property Valuation:** Mr. Cutler also expressed concern over what he perceives as a gross undervaluation of the Sonnenalp Golf Course by the Eagle County Assessor. He requested that the BCMD intervene and address the issue with the Assessor's Office.
3. **SPOA Annual Meeting Notice:** Additionally, Mr. Cutler raised an issue with the Singletree Property Owners Association's (SPOA) annual meeting notice. He argued that it was improper, specifically noting that his notice did not include a ballot as required.

In response, Ken Marchetti clarified that the BCMD has no authority over property valuations, which are solely the responsibility of the Assessor's Office and individual property owners.

Dan Godec indicated that a copy of the sale agreement between BCMD and the Sonnenalp Club has just been located and will be made available to Mr. Cutler.

EAGLE VALLEY WILDLAND 2024 PROJECT REVIEW

Hugh Fairfield-Smith and Tim Swaner from Eagle Valley Wildland shared updates on wildfire mitigation efforts for 2024 and plans for 2025. Notably:

2024 Wildfire Mitigation: In 2024, Eagle Valley Wildland successfully mitigated wildfire risk on 400 acres of federal land adjoining Singletree. This marked the first wildfire mitigation effort on federal lands in the U.S. The primary focus was on habitat restoration and the removal of invasive species. Although prescribed burns were planned, they did not take place due to weather conditions. The goal is to conduct these burns early in 2025.

RECORD OF PROCEEDINGS

2025 Plans: Eagle Valley Wildland will host five Singletree community-wide chipping days in 2025 and provide one-third of Singletree residents with a residential landscape assessment. The remaining residents will receive assessments over the next two years.

Resident Concerns:

- **Russ Meyer's Concerns:** Resident Russ Meyer voiced concern about the lack of a mandate for individual property owners to mitigate wildfire risks on their property. Eagle Valley Wildland staff clarified that they do not have enforcement authority. While Eagle County can enforce mitigation in unincorporated areas, it cannot require mitigation based solely on existing conditions unless substantial changes are made to the property.
- **Mitigation Regulation Proposal:** Mr. Meyer proposed that the Singletree Property Owners Association (SPOA) adopt regulations requiring wildfire risk mitigation on private properties and suggested exploring the possibility of retroactive compliance. Tim Swaner reiterated that retroactive mitigation requirements are not feasible.

Looking ahead, Eagle Valley Wildland anticipates continuing wildfire risk mitigation efforts on U.S. Forest Service (USFS) lands in 2025, but staffing shortages within the USFS may affect these plans.

JANUARY 28, 2025, MEETING MINUTES

The Board reviewed the January 28, 2025, meeting minutes. By motion duly made and seconded, it was unanimously

RESOLVED to approve the January 28, 2025, meeting minutes.

OPEN ITEM STATUS REPORT

Creating a plan to update the Charolais Circle Pond Park will be added to the report. There was a brief discussion around where an updated Singletree logo would be used.

OPERATIONS REPORT

- The frozen sewer line at Building B was cleared and a flat spot in the line has been identified. The plumber is working on a bid to repair the flat spot in the line. Following the repair, the bathrooms were professionally disinfected.
- Bids have been requested to install new power flush toilets in the locker rooms. There are regular clogs in those spaces.

RECORD OF PROCEEDINGS

JANUARY 2025 FINANCIAL STATEMENT

Due to the timing of property tax payments, expenses exceeded revenues in January. Expenses were lower than forecasted for the month. Following review, by motion duly made and seconded, it was unanimously

RESOLVED to accept the January 2025 financial statement as presented.

PAYMENT OF FEBRUARY 2025 INVOICES

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

RESOLVED to approve the February 2025 invoices for payment.

UPPER EAGLE REGIONAL WATER AUTHORITY UPDATE (UERWA)

- **Bolts Lake Approval Process:** The approval process for Bolts Lake is taking longer than initially anticipated, which is expected to increase the cost of construction. Bolts Lake is a critical component of the region's future water supply.
- **Drought Preparation:** The Eagle River Water & Sanitation District (ERWSD) typically predicts drought conditions based on the snowpack levels at the end of March. However, they are proactively preparing a plan for drought conditions, as it is too late to begin planning in April.
- **Future Developments:** ERWSD does not approve development as the UERWA nor the ERWSD have no land use approval authority. In unincorporated Eagle County, Eagle County Planning and Zoning and the Board of County Commissioners approve development based on adopted land use regulations. ERWSD receives an application for service and review the application to determine a development's prospective water usage and subsequently may issue a conditional letter to serve the proposed development. ERWSD is considering the possibility of capping the time period that an approved development is permitted to hold service approvals. A conditional letter to serve runs with development approval and not with the land.

COMMUNITY MANAGER'S REPORT

- SPOA's annual meeting is next Tuesday, March 4, at 6 PM.

JOINT SERVICES AGREEMENT

This agreement has not been finalized and was to be effective on January 1, 2025. SPOA made their January payment to BCMD in compliance with the yet to be approved agreement and their attorney said it is imperative to get a completed agreement quickly. Both boards committed to having an agreement to consider at the March meeting.

RECORD OF PROCEEDINGS

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 February 2025.

Respectfully submitted,

Nina Timm