
RECORD OF PROCEEDINGS

Minutes of the Meeting of the Board of Directors of Berry Creek Metropolitan District on January 25, 2022

The Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held January 25, 2022, at 3:00 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, by phone
- Katie Rothenberg
- Melissa Nelson, by phone
- Mike Reisinger
- Trevor Broersma

SPOA Directors in attendance:

- Ariana Burkley, by phone
- Dan Godec
- George Gregory
- Jennie Longville May, by phone
- Karen Zavis

Also, in attendance were:

- Ken Marchetti, Marchetti & Weaver
- Nina Timm, Community Manager
- Dan Carlson, Facilities Manager
- Chris Neuswanger, Owner
- Kim Tofferi, Owner
- Susan Lathrop, Owner
- Lee Rimel, Owner
- Ron Rubinoff, Owner, by phone

CALL TO ORDER

Director Holm called the Regular Meeting of the Board of Directors of Berry Creek Metropolitan District to order on January 25, 2022, at 3:03 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, property owner, requested that board meeting packets be posted online to increase transparency. He suggested if the Boards are unwilling to post the packets on the website that he would create a website for the purpose of posting the packets himself. If he were to do that, he would like to be reimbursed for the hosting expense. Both Boards requested that he not do that as packets are now distributed to owners who would like to receive one via email. He further went on to explain that he does not believe that SPOA should be in the infrastructure business, consequently dues should be reduced for 2022 rather than use reserve funds on projects for the community. It was explained that the funds that will be spent on community projects have been accumulated over many years and not just in the past year. He then asked questions about the Community Enhancement project and wanted to know if a Request for Proposals was issued for the work. It was explained that numerous local firms were contacted, and that Zehren & Associates was the only firm with both the expertise and availability to do the work in 2022 that responded. The community engagement process is proposed to begin in June when most owners are here. Finally, he asked that the impacts of the Colorado Common Interest Ownership Act be outlined at SPOA's Annual Meeting.

Susan Lathrop, property owner, asked that the Community Enhancement Plan consider the construction of a fenced-in dog park in Singletree and that Nordic tracks be set on the Sonnenalp Golf Course during the winter.

Kim Tofferi, property owner, was pleased to hear that there will be a better walking track on the golf course next winter. It was noted that a new trail setter has been ordered and is suffering from shipping delays, but it will not be a Nordic Center type track. She has also heard from residents who want a fenced dog park in Singletree. She is excited that Zehren & Associates will be conducting a public input process as part of the Community Enhancement Plan. She let everyone know she was looking at the Board of Realtors website and there is a lot of information on wildfire mitigation there and there are opportunities to apply for grants as well.

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Lee Rimel, property owner and trails leader, gave thanks to the Boards for all they have done over the years to make Singletree a great place to live. The community parks are excellent, the landscaping is too, and the I-70 Underpass was a good addition to the community. He noted that having trails adjacent to the community increase property values and improve our health. He mentioned that not all trails connect directly to Singletree, but they still benefit the residents. He explained that there are two routes out of Singletree from the June Creek Trailhead off Singletree Road to connect to USFS Road 779, that the Wildridge Trails Alliance has applied for a \$60,000 grant to improve. Support from the community increases the odds of receiving grant funding. The BCMD and SPOA donations of \$500 each are a small amount to get a huge benefit for all residents. USFS Road 779 expands everyone's opportunity to recreate and creates an approximately 8.5-mile loop from Singletree.

Kim Tofferi, Susan Lathrop, and Lee Rimel left the meeting.

DECEMBER 7, 2021, MEETING MINUTES

The Board reviewed the December 7, 2021, meeting minutes. By motion duly made and seconded, it was unanimously

RESOLVED to approve the December 7, 2021, meeting minutes as amended.

OPEN ITEM STATUS REPORT

There was a request to move the funding requests from Edwards Metro and Mountain Rec to a different category from possible BCMD projects. Ken Marchetti updated the Board that Edwards Metro has applied for a federal grant for the lighting project and if it is received it will cover most of the cost of the project. Eagle County is not inclined to fund one-third of the project as Edwards Metro had requested. If the federal grant is not received project funding will have to be reevaluated.

RESOLUTION DESIGNATING LOCATION TO POST NOTICE

The Board discussed the annual resolution identifying www.singletreetoday.com as the posting location for notices of meetings. Ken Marchetti clarified that only one physical location is required if there is an interruption in internet service and not three as indicated in the resolution. Following the discussion, by motion duly made and seconded, it was unanimously

RESOLVED to adopt the 2022 Resolution Designating Location to Post Notice with only the Singletree Community Center listed as the physical location to post notices of meetings in the event there is an interruption in internet service and/or power.

2022 BCMD BOARD ELECTION INFORMATION

Self-nomination forms are posted online and due by February 25, 2022.

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OPERATIONS

- The Recreation Path has significant ice in areas and would like to look at regrading a portion of it and adding gravel to improve drainage and reduce ice buildup. Would like to test this out by the soccer field to see if it improves the situation next winter.
- Would like to remove the stairs and bridge at the Buckboard Park and replace it with an at-grade path either off Winslow Road to the north or to the east of the existing stairs on Buckboard.

DECEMBER 2021 FINANCIAL STATEMENT

Ken Marchetti noted that the CDs are recorded at fair market value and even though they have a par value the fair market value fluctuates monthly as interest rates change. But since the District holds its CDs until maturity, ultimately BCMD will receive the par value for the CD. As interest rates are rising, the fair market value of the CDs are being reduced resulting in negative “interest” for 2021 but it is because much of that interest was recorded in 2020 with the balance to be recorded in 2022 and future years. Fund balance at the end of 2021 was \$1,328,000. Currently getting ready for the audit. Following the discussion, by motion duly made and seconded, it was unanimously

RESOLVED to accept the December 2021, financial statement as presented.

PAYMENT OF DECEMBER & JANUARY INVOICES

Invoices include the 2021 bond principal payment and one-half of the 2021 interest due. The first half of the interest payable was made in June. By motion duly made and seconded, it was unanimously

RESOLVED to approve the December 2021, and January 2022, invoices for payment.

UPPER EAGLE REGIONAL WATER AUTHORITY UPDATE

- Drought persists! If drought continues the Eagle Park Reservoir could go dry.
- Town of Minturn is considering an Intergovernmental Agreement with ERWSD related to the purchase of Bolts Lake.
- Unification hit a roadblock with Beaver Creek Metro District and will be revisited in March.

COMMUNITY MANAGER REPORT

- SPOA’s Annual Meeting is scheduled for March 8, 2022, at 6 PM. One person has self-nominated for the SPOA Board so far.
- BCMD board election self-nomination forms are due by February 25, 2022. Two people have self-nominated for the BCMD Board so far.
- The new virtual meeting system is experiencing shipping delays and should be here for the February meeting.

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- The final repair/fix for the Recreation Path south of Hackamore Road that was damaged during a home's construction will be fixed in the spring once the batch plant has opened for the season.

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 January 2022.

Respectfully submitted,

Nina Timm