
RECORD OF PROCEEDINGS

Minutes of the Meeting of the Board of Directors of Berry Creek Metropolitan District on July 23, 2024

The Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held July 23, 2024, 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

SPOA Directors in attendance:

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

Also, in attendance were:

- Dan Carlson, Facilities Manager
- Ken Marchetti, Marchetti & Weaver
- Nina Timm, Community Manager
- Cat Haber, Resident
- Charlie Dawson, Resident
- George Gregory, Resident
- Lee Rimel, Resident
- Joanna Kerwin, Edwards Metro District, Virtually

CALL TO ORDER

Director Holm called the Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District to order on July 23, 2024, 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

Lee Rimel, resident, recommends BCMD obtain an easement to maintain a trailhead on private property that is located on Appaloosa Drive. The property is currently for sale and the current owner is interested in selling an easement for the trailhead. It is a popular hiking trail that currently leads to an illegal trail on United States Forest Service (USFS) property. The trailhead would need to be reconfigured to only be located within the new easement area. The trailhead currently encroaches on 3 private properties. Upon securing the easement for the trailhead, work would then need to begin to obtain approval from the USFS for the existing trail or reconfigured trail in the area. He indicated that a survey would be required, and an easement prepared in order for BCMD to secure this trailhead, possibly before the property has a new owner.

Kat Haber, resident and owner of the Appaloosa Drive property, spoke and said she is interested in selling an easement on her property for the existing trailhead. She noted it could not interfere with the sale of her property. She is invested in the Singletree community and would like to see the trail access continue there because she knows the value of hiking trails to the community. Her principal concern is that the easement does not impact the sale of her property. She suggested that \$75,000 could be appropriate consideration for the proposed easement. She also mentioned that there may already be offers on the property and that it would be helpful to her if she could get a commitment by Friday, July 26, 2024.

The Board noted that it could not make a commitment nor complete its due diligence by Friday, July 26, 2024.

Joanna Kerwin, Edwards Metro District, thanked the Board for participating in the successful Hard to Recycle event in June. She was pleased to report that the Hillcrest Roundabout is scheduled to be done ahead of schedule, in early October. There is an opportunity for Singletree to add a Shift Bike station in the community. It would cost approximately \$8,000 to \$15,000 per year to provide this amenity in Singletree. She also mentioned that the Eagle River Fire Protection District is hosting an open house this coming Saturday, July 27. It was noted that an email has been sent to the Eagle County Board of County Commissioners requesting a joint meeting between the County Commissioners, Edwards Metro District, and Berry Creek Metro District. The goal is to schedule that meeting in early fall.

JUNE 25, 2024, MEETING MINUTES

The Board reviewed the June 25, 2024, meeting minutes. By motion duly made and seconded, it was unanimously

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RESOLVED to approve the June 25, 2024, meeting minutes.

OPEN ITEM STATUS REPORT

The report was in the packet. It was noted that all new street signs in Singletree will need to comply with Eagle County regulations and the Manual on Uniform Traffic Control Devices.

OPERATIONS REPORT

- Dan Carlson would like to be retained as a contractor for an additional year.
- The Sonnenalp Club is not interested in providing additional services to the Berry Creek Metro District at this time. Neil Tretter is stepping down as Golf Course Superintendent this summer.
- The Community Center is suffering from multiple appliance failures. The plumber and appliance repair technician will be here this week.
- Repairing the MPH speed trailer again and getting it licensed this week.

JUNE 2024 FINANCIAL STATEMENT

There are more plusses in the budget than minuses at this point in time. There are capital dollars available for projects. Following the discussion, by motion duly made and seconded, it was unanimously

RESOLVED to accept the June 2024 financial statement as presented.

PAYMENT OF JULY 2024 INVOICES

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

RESOLVED to approve the July 2024 invoices for payment.

UPPER EAGLE REGIONAL WATER AUTHORITY UPDATE (UERWA)

- Operating revenues are down this year from budget. The rain has impacted water use revenues.
- After further negotiations, Vail Resorts has agreed to the Stipulation Agreement for Bolts Lake.
- Annual water and sewer rate increases are anticipated in perpetuity due to the cost to repair and replace aging infrastructure.

COMMUNITY MANAGER'S REPORT

- Monthly service of the Charolais Circle Pond included treatment for a weed at the bottom of the pond.
- There will be a third mosquito control spray on July 24.
- There is too much smoke for the photographer to continue taking summer photos and drone footage for the website update.

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- In order to comply with State Statute, all BCMD PDF documents on the website will need to be remediated for ADA accessibility. This process will cost \$5 per page. There was discussion about creating a separate SPOA website as they are not subject to these requirements.
- It was noted that the compost bin is not the only thing smelling in the Community Center Parking Lot. The trash bins along with dog waste smell too.

OTHER BUSINESS

Thanks was given to Ken Marchetti for the countywide by district or town ownership cost comparison report that he provided. It shows that Singletree remains a very affordable community from a tax and HOA fee perspective. It was noted that new Real Estate Transfer Taxes are prohibited under TABOR. SPOA could consider a Real Estate Transfer Assessment, but it would be challenging to amend the Declaration to permit a Transfer Assessment.

EXECUTIVE SESSION

At 5:09 p.m. by motion duly made and seconded, it was unanimously

RESOLVED the BCMD and SPOA Boards move into a joint executive session for the purpose of Negotiations related to the Services Agreement with the Singletree Property Owners Association, obtaining an easement to preserve an existing trailhead on private property C.R.S. 24-6-402 (4) (e) and personnel matters C.R.S. 24-6-402 (4) (f).

Following the conclusion of the Executive Session, the Boards returned to public session at 6:10 p.m.

ACTION FOLLOWING EXECUTIVE SESSION DISCUSSION

Following discussion in Executive Session about the potential for an easement on private property for an existing trailhead on Appaloosa Drive, the Board discussed that without more information they are not in a position to make an offer on the proposed easement at this time.

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 23rd day of July 2024.

Respectfully submitted,

Nina Timm