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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 May 28, 2024**

The Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held May 28, 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
- Katie Rothenberg
- Melissa Nelson

SPOA Directors in attendance:

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

Also, in attendance were:

- George Gregory, Resident
- Sarah Smith Hymes, BoCC Candidate for District 2
- Joanna Kerwin, Edwards Metro District, Virtually
- Dan Carlson, Facilities Manager
- Ken Marchetti, Marchetti & Weaver
- Nina Timm, Community Manager

#### **CALL TO ORDER**

Director Holm called the Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District to order May 28, 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 the members present was necessary to obtain a quorum or otherwise enable the Board to act.

#### **AGENDA**

Meeting minutes from April 23, 2024, were moved to later in the agenda.

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**PUBLIC INPUT**

Sarah Smith Hymes gave thanks for BCMD’s letter of support for Avon’s grant request for polystyrene recycling. Avon was successful in their grant request. She also encouraged everyone to vote in Holy Cross Energy’s June 6 election. She is running for the Board of County Commissioners (BoCC) as the District 2 representative and is committing to bringing a strong upper valley voice to the BoCC.

Joanna Kerwin thanked the board for partnering on the Edwards area Hard to Recycle event on June 14. She gave thanks to George Gregory for continuing to serve as Chairperson of the UERWA board. Joanna encouraged the board to continue to pursue a joint meeting with the Edwards Metro District and the BoCC.

**APRIL 23, 2024, MEETING MINUTES**

Due to a lack of quorum of board members present at the April meeting consideration of the April meeting minutes have been moved to the June meeting.

**OPEN ITEM STATUS REPORT**

Work with Edwards Metro and possibly Cordillera Metro to schedule a joint meeting with the BoCC. Agenda items could include an update on the Regional Transit Authority as well as Edwards area developments anticipated.

Work with Katie Rothenberg and Trevor Broersma on street sign updates for the community.

**OUTSIDE ENTITIES’ FUNDING REQUESTS**

No changes to this report.

**OPERATIONS REPORT**

- ✓ The streetlight at Appaloosa and Foal Circle is now working. The junction box has a new cover on it.
- ✓ The streetlights at Chute Circle and Rawhide are still out. They will require excavation to repair, similar to Stagecoach.
- ✓ One of the trash cans in the Pavilion was beat up by a bear and it was pounded back into working order.
- ✓ There are a number of trees that need limbing and/or removal at Chip Ramsey Park.

**APRIL 2024 FINANCIAL STATEMENT**

Revenue and expenses are tracking budget expectations. Following the discussion, by motion duly made and seconded, it was unanimously

**RESOLVED** to accept the April 2024 financial statement as presented.

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**PAYMENT OF MAY 2024 INVOICES**

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

**RESOLVED** to approve the May 2024 invoices for payment.

**DISCUSSION OF A POTENTIAL SALES TAX FOR BCMD**

Colorado law now permits metro districts to levy a voter approved sales tax to fund specific metro district expenses. Sales tax revenue would be limited for the BCMD due to limited retail outlets and no short-term rentals in Singletree. It could be levied against retail purchases delivered in Singletree as well as construction materials. It is anticipated that an election would cost approximately \$15,000. It would be a mail ballot election and could be a May 2025 election item. The BCMD Board would need to identify the projects that would be funded with sales tax revenue.

There has been strong support for a local sales tax in other local metro districts due to the impacts and sales tax generation from short-term rentals. It has allowed some local metro districts to reduce their operating mill levy. This could be beneficial to local owners concerned about their property taxes, particularly if they are not online shoppers. Other communities did hire an outside consultant to help with resident education prior to the election. The BCMD members would need to remain neutral and not campaign for or against an election item.

Marchetti and Weaver will provide additional financial modeling for the next meeting.

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

- Vail Pass snowpack is average and Fremont Pass snowpack has had a small bump with recent snow fall.
- ERWSD is continuing to create water billing rate equity between the different customer types.
- ERWSD and UERWA are each contributing \$320,000 to purchase the Shoshone Water Right. It is a senior and valuable water right. It is water that has never been consumed and has always remained in the river. It has serious benefits for Eagle County.
- ERWSD will provide customers with a complimentary water use audit that includes outside and inside water use evaluations.

**COMMUNITY MANAGER'S REPORT**

- There is record sign up for the community-wide chipping event.
- Currently working with a number of owners who have installed air conditioning without approval and the installations are not approvable.

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- Charolais Circle Pond maintenance began this month with the addition of algaecide and beneficial bacteria to enhance the water quality. The aeration system is running well.
- There was record turnout for the Highway Cleanup. It was great to see and made it much easier for all of the volunteers.
- Work on the June Creek emergency only access route began on Monday, May 5.
- Met with folks at the Sonnenalp Club and the gym and golf course remain busy. We will continue to work together on dogs and winter use of the golf course.

**OTHER BUSINESS**

The 2023 Audit Report will be presented for acceptance at the June meeting.

**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 28<sup>th</sup> day of May 2024.

Respectfully submitted,

Nina Timm