
RECORD OF PROCEEDINGS

Minutes of the Meeting of the Board of Directors of the Berry Creek Metropolitan District on October 22, 2024

The Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held October 22, 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
- Katie Rothenberg
- Trevor Broersma, Virtually

SPOA Directors in attendance:

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

Also, in attendance were:

- Ken Marchetti, Marchetti & Weaver
- Nina Timm, Community Manager
- Joanna Kerwin, Edwards Metropolitan District, Virtually
- Charlie Dawson, Resident
- Chris Neuswanger, Resident, Virtually

CALL TO ORDER

Director Holm called the Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District to order October 22, 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 the official action of the meeting. The Board reviewed the agenda for the meeting,

RECORD OF PROCEEDINGS

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 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

Chris Neuswanger, resident, noted that there is a pile of dirt in the right-of-way on Charolais Circle that he said does not belong to any of the neighbors. He would like BCMD to take care of it. He also expressed concern about the condition of the right-of-way in the area after the street light repair project. The Community Manager agreed to meet with Mr. Neuswanger on-site to look at the situation.

Chris Neuswanger left the meeting.

Joanna Kerwin, Edwards Metro District, spoke about the need to create a county-wide wildfire mitigation plan as well as her expectation that there will be a discussion about Eagle County becoming a home rule county, which would allow for five county commissioners rather than three. Edwards Metro is currently exploring the pros and cons of incorporating. As they learn more they will reach out to other Edwards area metro districts.

INTRODUCTION OF SONNENALP CLUB'S GOLF COURSE SUPERINTENDENT AND HEAD GOLF PROFESSIONAL

Sebastian Faessler introduced the Sonnenalp Club's new golf course Superintendent, Dane Bennett who previously worked at the Sonnenalp Club and has returned. He also introduced Kirby Lee who is the Head Golf Professional. The Boards thanked the Sonnenalp Club for the golf course improvements that have been made over the past few years.

It was noted that sledding on the 1st fairway will not be permitted this winter. There was an excessive amount of damage to the golf course in this area and there are additional safety concerns around the new pump house. The golf course will be open for members to golf without carts in November. Winter grooming of the golf course will continue but may be rerouted in areas.

SEPTEMBER 24, 2024, MEETING MINUTES

The Board reviewed the September 24, 2024, meeting minutes. By motion duly made and seconded, it was unanimously

RESOLVED to approve the September 24, 2024, meeting minutes.

RECORD OF PROCEEDINGS

OCTOBER 14, 2024, MEETING MINUTES

The Board reviewed the October 14, 2024, meeting minutes. By motion duly made and seconded, it was unanimously

RESOLVED to approve the October 14, 2024, meeting minutes.

OPEN ITEM STATUS REPORT

The report was inadvertently excluded from the meeting packet. The updates include painting at the Community Center is nearly complete and tree planting at Chip Ramsey Park should begin in the next couple of weeks.

CONSIDERATION OF A RESOLUTION TO ASSIGN AN EASEMENT FOR GOLF COURSE IMPROVEMENTS ON PRIVATE PROPERTY TO THE SONNENALP GOLF CLUB

In 1984, there was an easement benefitting BCMD recorded for golf course improvements that were constructed on a platted lot. The BCMD remains the beneficiary of the easement for those improvements and no longer owns or operates the golf course. The owner of the lot has requested an amendment to the easement. As the easement is solely for golf course improvements it makes sense for the easement to be assigned to the Sonnenalp Golf Club. The Sonnenalp Golf Club is willing to accept the assignment of the easement. Following the discussion, by motion duly made and seconded, it was unanimously

RESOLVED to adopt the resolution authorizing assignment of a golf course easement to the Sonnenalp Club.

OPERATIONS REPORT

- Parks are being closed up for the winter season.
- Taking the MPH trailer to Glenwood Springs for a VIN inspection.

SEPTEMBER 2024 FINANCIAL STATEMENT

There is nothing significant to note at this time. Following the discussion, by motion duly made and seconded, it was unanimously

RESOLVED to accept the September 2024 financial statement as presented.

PAYMENT OF OCTOBER 2024 INVOICES

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

RESOLVED to approve the October 2024 invoices for payment.

RECORD OF PROCEEDINGS

2025 BUDGET HEARING

Today's meeting is the noticed 2025 budget hearing. The draft budget reflects what was discussed at the budget work session on October 14, 2024. 2025 is not a reassessment year and BCMD's voter approved mill levy is 8.746 mills. In 2024, BCMD provided a 2.823 mills credit to property owners. Due to Colorado legislative changes, BCMD is advised to preserve its current operating mill levy and not provide an operating mill levy credit in 2025, as that would reduce the operating mill levy BCMD could assess in future years. In order to not generate more revenue than is necessary in 2025, the draft budget anticipates a debt service mill levy credit. This addresses BCMD's funding needs as well as complies with new Colorado legislation for special districts.

The draft budget anticipates increased operating expenses as well as capital expenditures while not increasing revenue. This results in the budget not being balanced for the year and deficit spending from reserves for 2025 although 2024 is showing a corresponding surplus as not all capital expenditures budgeted for 2024 were able to be completed.

For operating expenditures there was discussion about eliminating the cost to remediate Stroll from the website remediation budget. Pedestrian beacons on Miller Ranch Road will be removed from capital expenditures because there will be a request to Eagle County to add the additional beacons.

There was consensus that the Board was not comfortable with deficit spending and the proposed debt service mill levy credit could be adjusted for a balanced budget or 2025 capital projects could be reevaluated. The Board requested that the proposed 2025 budget be balanced and include all identified capital projects.

A call was made for public input and Charlie Dawson encouraged the Board to adopt a balanced budget and fund Eagle Valley Wildland's request of \$100,000. He also requested that Eagle Valley Wildland coordinate their residential programs with Eagle County's residential mitigation programs.

It was noted that Eagle River Fire Protection District's proposed sales tax, if approved, will not generate funds for wildfire risk mitigation or wildfire suppression.

Following the discussion, by motion duly made and seconded, it was unanimously

RESOLVED to continue the 2025 Budget Hearing to the next board meeting.

UPPER EAGLE REGIONAL WATER AUTHORITY UPDATE (UERWA)

- Work on the 2025 budget includes balancing capital projects, regulatory requirements, and revenue.

RECORD OF PROCEEDINGS

COMMUNITY MANAGER'S REPORT

- There has been an unusual amount of political sign thefts this year.
- The joint meeting with Edwards Metro and the Board of County Commissioners needs to be rescheduled. The two dates proposed are January 22 or January 28, 2025.
- Vail Honeywagon had a fire in the trash truck on Monday because someone on June Creek Road put a propane tank in their trash can.
- The gates for the June Creek Trail emergency access will be installed in the next two weeks. DRC will review the gate prior to its installation.
- Buildings A and B have been painted.
- Tree planting at Chip Ramsey Park will begin next week.
- Monthly service of the Charolais Circle Pond has ended for the season.

EXECUTIVE SESSION

At 5:39 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 discussing personnel matters C.R.S. 24-6-402 (4) (f).

Following the conclusion of the Executive Session, the Boards returned to public session at 5:45 p.m.

ACTION FOLLOWING EXECUTIVE SESSION

No action was taken following the executive session.

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 22nd day of October 2024.

Respectfully submitted,

Nina Timm