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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 October 24, 2023**

The Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held October 24, 2023, 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

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
- Jena Skinner, Town of Avon
- Matt Pielsticker, Town of Avon
- Hugh Fairfield-Smith, Eagle Valley Wildland
- Charlie Dawson, Resident
- Clint Janssen, Resident
- Devin DeCrausaz
- Helen Burton, Resident – Virtually
- Judy Liotta, Resident
- Karen Kern, Resident
- Marc Prisant, Resident
- Michele Rae, Resident

#### **CALL TO ORDER**

Director Holm called the Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District to order on October 24, 2023, at 4:00 p.m., noting a quorum was

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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**

There were no changes to the agenda. It was noted that Public Input will follow the first two items on the agenda.

**TOWN OF AVON'S REQUEST TO USE A PORTION OF BCMD PROPERTY FOR AN EMERGENCY ONLY ACCESS TRAIL AT THE JUNE CREEK TRAILHEAD**

Matt Pielsticker and Jena Skinner, town of Avon, presented Avon's request for an emergency only access at the June Creek trailhead. The requested change would involve widening the existing 6' trail to approximately 10' wide for 300'. The plan also includes a retaining wall to support the widening and would add new access gates at the north end of the improved trail area as well as at Singletree Road. Eagle County, the United States Forest Service, Colorado Parks & Wildlife Service, and Eagle Valley Land Trust have all given their approval to the proposed plan. With BCMD's approval today, Avon would begin final design and construction documents over the winter, with the goal to construct the improvements sometime after April 15, 2024. Construction will take approximately 4 weeks to complete and for safety purposes the trail would be closed for some portion of that time. The goal is to minimize site disturbances and vegetation removal. Avon would work with Singletree to create a gate design that is acceptable to the community and functional.

It was noted the request includes a 30' easement and this could be reduced and amended to reflect as-built conditions upon completion of the work.

It was clarified that Avon staff would provide construction oversight and long-term maintenance would be performed by Avon's Public Works staff.

Based on the estimated value of the improvements, BCMD would not likely need additional insurance for these improvements on their property.

It was suggested that the easement width be as narrow as possible, and the easement's exact location could be subject to a final survey.

The remainder of the trail up to Wildridge is already maintained by USFS and Avon and is in good condition.

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The purpose of the improvements is to allow Wildland Fire vehicles to access the area and not a full-size fire truck. In the event of an emergency, access to the area would be controlled by emergency personnel and only capable vehicles with competent drivers would be allowed to use it.

It was noted that Singletree's evacuation plans consider any additional traffic that would be generated by the proposed emergency access easement.

Charlie Dawson, resident, requested that evacuation route signs be placed in the community. In response, Hugh Fairfield-Smith of Eagle Valley Wildland indicated that those signs cannot be placed because the location of wildfire is unpredictable and is not like a hurricane where there is typically one approved evacuation route. It was clarified that no one expects to maintain this access during the winter months when wildfire danger is at its lowest. He also questioned where the gate on Singletree Road would be placed and encouraged it to be pushed up the trail, away from the street. He expressed concern about how drivers would be able to see in a very smokey event. He also requested the surface remain pea gravel.

Michele Rae, resident, requested the gate be as close to Singletree Road as possible to prevent cars from attempting to drive up the trail and getting stuck as well as preventing the area from being used as additional parking.

It was noted that this trail improvement is part of a community-wide plan and benefits all of Eagle County in a wildfire event. Wildfires do not respect jurisdictional boundaries.

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

**RESOLVED** to approve Avon's Emergency Only Access Easement subject to modification of the easement width and approval of a BCMD appointed representative to supervise the trail construction.

**EAGLE VALLEY WILDLAND UPDATE ON WILDFIRE MITIGATION PROJECTS AND A REQUEST FOR 2024 WILDFIRE PROJECT MITIGATION FUNDING**

In 2023, 77.5 acres were treated for wildfire mitigation. Eagle Valley Wildland paid \$28,650 of the cost, SPOA paid \$30,000, and BCMD paid \$100,750. In total, 239 acres were treated in the "North Avon" (Mountain Star to Singletree) area. Additionally, there was treatment in the area north of the Shaw Cancer Center and Muddy Pass on USFS lands that also benefits Singletree.

In 2024, Eagle Valley Wildland is requesting \$100,000 in funding from BCMD to treat USFS land adjacent to Singletree's northern boundary. The project already has National Environmental Policy Act (NEPA) approval and is awaiting funding. A positive change that has been made at the state level, is federal grants can now be leveraged for funding from the State of Colorado. The goal of this treatment is to reduce the pinyon pine/juniper which is encroaching on the sage and winter habitat for wildlife.

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Karen Kern, resident, requested an inspection of her property's wildfire risk.

The BCMD Board noted this funding request is part of their 2024 Budget and will consider it as part of the Budget Hearing later in the meeting.

**PUBLIC INPUT**

Helen Burton, resident, requested BCMD not fund outside entities requests. Singletree just completed the Community Enhancement Plan and capital dollars should be spent on the projects identified in the Plan. She was supportive of the contribution to Mountain Recreation for the winter ice rinks in Edwards.

Joanna Kerwin, Edwards Metro District Board, let the Boards know that warm white holiday lights would be installed consistently along Edwards Access Road this winter. She also noted the flashing pedestrian beacons have been installed consistently on Edwards Access Road. She requested BCMD contribute \$40,000 to Edwards Metro for the flashing beacons installed in the crosswalks north of I-70, in BCMD's service area. The pedestrian lighting project along Miller Ranch Road will be completed in 2023. The portion in the Berry Creek Metro District service area is complete and she reiterated Edwards Metro's request for a \$60,000 contribution to the project. Joanna is also a member of the Mountain Recreation Board and noted they have a new executive director who would be willing to attend a meeting and answer any questions the board may have on the Mountain Recreation contribution request.

**SEPTEMBER 26, 2023, MEETING MINUTES**

The Board reviewed the September 26, 2023, meeting minutes. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the September 26, 2023, meeting minutes.

**OCTOBER 10, 2023, MEETING MINUTES**

The Board reviewed the October 10, 2023, meeting minutes. By motion duly made and seconded, it was unanimously

**RESOLVED** to approve the October 10, 2023, meeting minutes.

**OPEN ITEM STATUS REPORT**

- The report has been updated to include future emergency warning sirens installation in Singletree as well as painting both buildings at the Community Center.

**OUTSIDE ENTITIES' FUNDING REQUESTS**

The report remained unchanged from the previous meeting and will be updated after the 2024 budget has been adopted.

**UPDATE ON RECORDING BCMD MEETINGS**

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An overview of the discussion with BCMD's attorney was provided. There is no requirement nor prohibition for the Board to record their meetings. If there is consensus on the Board that the meetings should be recorded, then it was recommended to begin with the January 2024 meeting. If the meetings are recorded the Board could choose to stop recording them at any time. There was discussion about how many community members are actually interested in watching the meetings and if this is more complicated than it is worth to the vast majority of the community.

**OPERATIONS REPORT**

- The new street light pole has been installed at Stetson & Rawhide. Waiting for Eagle County to install the stop sign and then the street signs will be hung.
- Utility locates have been done to repair the streetlight at Stagecoach & Berry Creek Road.
- Dan Carlson provided his one-year retirement notice. He plans to retire one year from now.

**SEPTEMBER 2023 FINANCIAL STATEMENT**

There will be information at the December meeting regarding reinvesting the Bank of Baroda Certificate of Deposit that matures mid-December. Following the discussion, by motion duly made and seconded, it was unanimously

**RESOLVED** to accept September 2023, financial statement as presented.

**PAYMENT OF OCTOBER INVOICES**

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

**RESOLVED** to approve the October invoices for payment.

**2024 BUDGET HEARING**

Singletree's real estate assessed valuations for 2024/2025 have increased approximately 64% over 2022/2023 assessed values. The proposed property tax revenue for the 2024 budget is being held consistent with 2023 levels, after reflecting a mountain-area inflation rate of 8%. As such, a temporary mill levy credit of 3.0 mils (or 2.826 mils, if State of Colorado Proposition HH passes) is incorporated into the 2024 budget, thereby reducing the mill levy applied to Singletree property owner's property tax bills for BCMD. Generally, operating expenses increased approximately 4%. Revenues generated in excess of operating expenditures are typically used for capital and non-routine expenditures. Capital project priorities were identified during the BCMD's budget work session on October 10. Those priorities can be funded within the proposed net revenue projections and include an additional \$100,000 in wildfire mitigation funding in 2024 as presented by Eagle Valley Wildland earlier in the meeting. There was discussion and approval of contributing \$3,500 in 2024 to the Climate Action Collaborative based on the work they have accomplished towards the overall Eagle Valley community's climate goals.

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It was noted that the proposed Budget Resolution incorporates language for Proposition HH, whether it passes or fails, and the Budget Resolution could be considered and adopted today if the Board chose to do so.

A call was made for public input and there was no public input on the proposed budget.

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

**RESOLVED** to adopt the 2024 Budget Resolution as presented.

**The 2024 Budget Hearing was closed.**

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

- Drought conditions have moved back into western Colorado.
- Representatives from ERWSD will be at the December 5 meeting to present information about future water and sewer rates as well as water use tiers.

**COMMUNITY MANAGER'S REPORT**

- The community gym is well appreciated by residents.
- The mobile MPH sign has been put away for the season. It was vandalized and the replacement parts have not arrived.
- The Halloween Party is October 29, the Wine Tasting is November 16, and the Holiday Party is Sunday, December 10, from 4 p.m. to 6 p.m.

**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 24<sup>th</sup> day of October 2023.

Respectfully submitted,

Nina Timm