
RECORD OF PROCEEDINGS

Minutes of the Meeting of the Board of Directors of the Berry Creek Metropolitan District on September 23, 2025

The Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado, was held September 23, 2025, 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:

- Cara Turner
- Charles Dawson
- David Viele, Virtually
- Trevor Broersma

Also, in attendance were:

- Nina Timm, Community Manager
- Ken Marchetti, Marchetti & Weaver
- Todd Neifert, Operations Manager, Virtually
- Dan Godec, SPOA Board Member
- Happy Power, SPOA Board Member
- Jennie Longville May, SPOA Board Member, Virtually
- Karen Zavis, SPOA Board Member
- George Gregory, Resident
- Tom McClurg, Resident, Singletree Trail's Coordinator
- Maisi Kennedy, Zehren & Associates
- Ernest Saeger, Vail Valley Mountain Trails Alliance
- Suzette Newman, Resident
- Michael Brownlee, Resident
- Joanna Kerwin, Edwards Resident

CALL TO ORDER

Director Broersma called the Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District to order September 23, 2025, at 4:00 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 facts 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 BCMD meeting agenda.

PUBLIC INPUT

Joanna Kerwin, Edwards resident, commented on Eagle County's River House Property open house and the associated public survey regarding what residents would like to see on the property.

AUGUST 26, 2025, MEETING MINUTES

The Board reviewed August 26, 2025, meeting minutes. There was a request to add the discussion requesting Eagle Valley Wildland provide more information about how the June Creek Emergency Access trail would function in an emergency. By motion duly made and seconded, it was unanimously

RESOLVED to approve August 26, 2025, meeting minutes as amended.

OTHER BUSINESS

- At a future meeting additional information about mosquito fogging will be provided for the Board's education.
- It was noted that residents can request a speed study on CDOT's website. It will be confirmed if a speed study for I-70 through Edwards is already underway based on the previous request of BCMD and Edwards Metro District.

TRAILS PLAN SURVEY RESPONSE

Tom McClurg, Singletree's Trails Coordinator, and Maisi Kennedy, Zehren & Associates, provided an overview of the trails plan survey responses. There was a statistically significant response rate at 15%. The commentary was supportive and well thought out. Most residents that responded use the trails and support adding additional trails in and around Singletree. New or improved trails connecting Singletree to USFS land were identified as the highest priority but due to the required lead time and current staffing and funding conditions the USFS is not able to consider these types of requests at this time. They are aware that Singletree would like to

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pursue these efforts when the USFS has the capacity to review new and/or improved trails on USFS land.

Equally as important were the possible single-track sidewalks. The goal of the single-track sidewalk is to create a non-road connection between various areas within Singletree. There are concerns about the potential locations of the single-track sidewalks as well as privacy, safety, and the potential for bikes on the sidewalks. The proposed “sidewalks” would not be paved. The Sonnenalp Golf Club will need to be included in any single-track sidewalk considerations.

Painted walkways are also a priority, but a lower priority as identified by survey respondents. There was concern expressed about their effectiveness. It was noted that a “road diet” created by painted walkways can slow down vehicular traffic. Any work on painted walkways requires working with Eagle County because the roads in Singletree are public roads.

There were lots of thoughtful written comments included in survey responses and a copy of the comments can be provided. Based on data collected, survey respondents were dispersed throughout Singletree. The consensus of the comments is that respondents like the plan and want to ensure that it balances safety and privacy.

Based on the survey results and the USFS’s schedule, the recommendation is to move forward with ground truthing the proposed single-track sidewalks. The following are the proposed next steps:

- 1) Walk the proposed single-track sidewalks with a small group of people to determine each trail’s feasibility.
- 2) Formalize the trail pathways by flagging.
- 3) Meet with the homeowners most impacted by the trails and walk the trails with them to discuss their concerns and solutions.
- 4) Create an implementation plan that includes details on the construction, timing and cost.
- 5) Present to the boards to gain final approval.

Suzette Newman, resident, commented that she is pleased that residents will be involved in the process as it moves forward. She explained that parking on Latigo Circle is currently a problem.

Michael Brownlee, resident, explained that he is not concerned just about parking on Latigo Circle, he is concerned about the proposed trails creating additional access to the neighborhood.

Following the discussion, the Board affirmed moving forward with the next steps identified and they look forward to the next presentation once there is more information.

TRAILHEAD SIGN UPDATE

Tom McClurg presented a plan to have consistent trail signs installed at the five (West Avon Preserve, June Creek, Knob Hill, and two for Mesquite) trailheads in Singletree. Trail signs were noted as a high priority in the Community Enhancement Plan. He has worked with Vail Valley Mountain Trails Alliance and the USFS to ensure the signs are consistent and provide required information including trail uses, rules, seasonal closure information, etc. The proposed design

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includes metal kiosks with a wire mesh background. The kiosk design allows sign panels to be replaced as needed over time. Metal kiosks were chosen because of their reduced long-term maintenance costs and issues. Each sign is estimated to cost approximately \$10,500 installed.

The Board gave thanks to Tom for his work on this project and told him to move forward with the five proposed trailhead signs. It was noted that the 2025 Capital Projects budget includes funding for the proposed trailhead signs.

OPERATIONS REPORT

- Building B's water heater was replaced under warranty.
- The drinking fountain at Chip Ramsey Park has been snaked twice due to sand in the past couple of weeks. Hopefully, the new sign saying the drinking fountain will be removed early unless people stop putting foreign things into it.
- The new trees at Chip Ramsey Park have been wrapped with nearly invisible deer fencing.
- Received a quote for parking lot sealing and striping next spring.
- The block retaining wall at the playground has been repaired and the railroad ties are being replaced where they had rotted.

AUGUST 2025 FINANCIAL STATEMENT

Ken Marchetti reported that the financial reports will be modified to reflect three funds: General, Debt Service, and Capital Projects, rather than two funds as has been reflected in the past. Ken clarified that future boards could reallocate the funds as they deem appropriate for the circumstances. Upon receipt, the Borne Engineering report will be used to establish the replacement reserve fund. Within the Capital Project Fund there will be categories for Assigned Funds, including Replacement Reserves, Operating Reserves, and Capital Projects Reserves, and Unassigned Funds. It was noted that BCMD has the capacity to generate additional revenue by reducing the mill levy credit that is in place for 2025. Following review, by motion duly made and seconded, it was unanimously

RESOLVED to accept the August 2025 financial statement as presented.

PAYMENT OF SEPTEMBER 2025 INVOICES

The deposit for the Borne Engineering report is included in the payables. Following review of the payments, by motion duly made and seconded, it was unanimously

RESOLVED to approve the September 2025 invoices for payment.

RESERVE AND ASSIGNED FUND BALANCE POLICY

This was discussed as part of the August financials.

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UPPER EAGLE REGIONAL WATER AUTHORITY UPDATE (UERWA)

- The recent rain has been extremely helpful and has reduced required water releases from reservoirs.
- Continuing to move forward with Bolts Lake design documents. The estimated construction costs are increasing. It has been determined that this is still a cost-effective water resource.
- Reviewing two 2026 budgets – one if the General Obligation bond measure is approved by voters and a second one if the bond measure fails and rates must be increased to pay for the wastewater treatment project. If the construction cost is included in monthly bills, monthly bills will increase approximately 38% in 2026.

COMMUNITY MANAGER'S REPORT

- Report was included in the packet and there were no questions.
- It was noted that working with Edwards Metro District and CDOT on Spur Road repair and maintenance has been very successful.

DISCUSSION ABOUT THE POTENTIAL FOR BCMD TO ASSUME SPOA'S FUNCTIONS

Prior to the COVID-19 pandemic, the BCMD and SPOA Boards engaged in discussions regarding the potential consolidation of the two Boards and their respective functions under the BCMD. The purpose of today's discussion was to revisit this concept and determine whether current Board members from both BCMD and SPOA are interested in re-exploring the possibility of consolidation.

Changes in Colorado legislation now permit metropolitan districts to manage design review and compliance functions - authority that was previously restricted. These legal updates make the consolidation process more straightforward than it may have been in the past.

The legal process for consolidation is straight forward. If consolidation were to happen then there would be one five-person BCMD Board and the SPOA Board would be disbanded. SPOA dues would no longer be assessed and BCMD could generate the lost revenue through a reduced or eliminated mill levy tax credit. The Design Review Committee would remain in place and function as it currently functions.

Board members discussed how such a change would be communicated to the community, potential concerns about disenfranchisement, and whether consolidation is in the community's best interests. It was noted that consolidation could create operational and governance efficiencies. Overall, there was a shared understanding that any decision must be made thoughtfully, with careful consideration of its impact on the community. A request was made that an analysis which highlights Pros and Cons be prepared.

With agreement to further explore the possibility, the next step is to gather legal input from both Boards' attorneys. This information will help clarify the process and identify other operational, financial, or legal issues that may require further investigation.

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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 on this 23rd day of September 2025.

Respectfully submitted,

Nina Timm