
RECORD OF PROCEEDINGS

Minutes of the Meeting of the Board of Directors of the Berry Creek Metropolitan District on September 24, 2024

The Meeting of the Board of Directors of the Berry Creek Metropolitan District (BCMD), Eagle County, Colorado was held September 24, 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, Virtually
- David Viele, Virtually
- Katie Rothenberg
- Melissa Nelson, Virtually
- Trevor Broersma, Virtually, left the meeting early

SPOA Directors in attendance:

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

Also, in attendance were:

- Dan Carlson, Operations Manager
- Ken Marchetti, Marchetti & Weaver
- Nina Timm, Community Manager
- Joanna Kerwin, Edwards Metropolitan District
- Chief Karl Bauer, Eagle River Fire Protection District
- Hugh Fairfield-Smith, Eagle Valley Wildland
- Charlie Dawson, Resident
- George Gregory, Resident

CALL TO ORDER

Director Holm called the Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District to order September 24, 2024, 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 the official action of 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 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

Joanna Kerwin, Edwards Metropolitan District President, updated the boards that the Hillcrest Roundabout is complete except for landscaping, which will match the other Edwards area roundabouts landscaping. A request has been made that when CORE Transit is ready to evaluate a new micro transit service that Edwards area communities be considered. The Edwards Metropolitan District sent a letter to Eagle County requesting that all Metro Districts become Referral Agencies on land use applications the County reviews. Additionally, it was requested that BCMD consider working with Eagle County to have pedestrian flashing beacons installed at all pedestrian crossings along Miller Ranch Road, which are in the BCMD service area. This is a busy road for both pedestrians and vehicles.

JULY 23, 2024, MEETING MINUTES

The Board reviewed the July 23, 2024, meeting minutes. By motion duly made and seconded, it was unanimously

RESOLVED to approve the July 23, 2024, meeting minutes.

AUGUST 27, 2024, MEETING MINUTES

The Board reviewed the August 27, 2024, meeting minutes. By motion duly made and seconded, it was unanimously

RESOLVED to approve the August 27, 2024, meeting minutes.

OPEN ITEM STATUS REPORT

The updated report was in the packet. It was noted that painting at the Singletree Community Center and Chip Ramsey Park is scheduled to begin this week.

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CONSIDERATION OF A RESOLUTION IN SUPPORT OF EAGLE RIVER FIRE PROTECTION DISTRICT'S (ERFPD) SALES TAX BALLOT QUESTION

Fire Chief Karl Bauer requested the BCMD pass a resolution in support of the ERFPD's sales tax ballot question. He noted that the ERFPD's mill levy decreased this year due to assessed property valuation increases, and the 2012 voter approved mill levy limits. The ERFPD is able to retain increases for inflation as well as new development. The cost of personal protection equipment as well as fire trucks has far exceeded the local Consumer Price Index rate used to set the mill levy. The Colorado State Legislature passed legislation that now permits special districts to request voters approve a local sales tax. The voter requested sales tax is 0.79% and would not include groceries or prescription medicines, amongst other items. If approved, it would be assessed in Red Cliff, Minturn, and unincorporated (Eagle Vail and Edwards) areas that are in the ERFPD service area. The sales tax is estimated to generate \$6.8 million in the first year and the funds would be used to purchase new equipment as well as cover increasing staffing costs. Chief Bauer believes if voters do not approve the sales tax the ERFPD will need to reduce staffing levels or service or both. Following the discussion, by motion duly made and seconded, it was unanimously

RESOLVED to approve the Resolution in support of ERFPD's sales tax ballot question.

OPERATIONS REPORT

- The streetlight has been repaired at Hereford Road. Comcast cut the line when they were working in the area.
- Repair work has begun on the streetlight at Chute Circle.
- BCMD streetlight power lines are not marked when utility locates are done in the area of the streetlights.

AUGUST 2024 FINANCIAL STATEMENT

Ken Marchetti noted that the revenue and expenditures were tracking with budget and there was nothing significant to note. Following the discussion, by motion duly made and seconded, it was unanimously

RESOLVED to accept the August 2024 financial statement as presented.

PAYMENT OF SEPTEMBER 2024 INVOICES

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

RESOLVED to approve the September 2024 invoices for payment.

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2024 AUDIT ENGAGEMENT LETTER

McMahan and Associates, LLC, submitted a 2024 Audit Engagement Letter for the Board's review. McMahan and Associates, LLC, completed BCMD's 2023 audit report. Following review of the letter, by motion duly made and seconded, it was unanimously

RESOLVED to accept the 2024 Audit Engagement Letter from McMahan and Associates, LLC.

UPPER EAGLE REGIONAL WATER AUTHORITY UPDATE (UERWA)

- Conservation efforts this summer have yielded 300-acre feet of water being saved. Further study is underway to better understand if this was due to rate increases and/or the rain that fell during the summer months.
- Standard & Poor's has changed their rating requirement to now require a business have 360 days of operating expenses cost on hand to have an A+ rating. This will require ERWSD to increase their rates to cover this additional requirement.

COMMUNITY MANAGER'S REPORT

- BCMD's Budget Work Session is October 14, at 11:30 a.m.
- The joint work session with the Board of County Commissioners is October 23, at 4:00 p.m.
- Painting at the Singletree Community Center and Chip Ramsey Park should begin this week.
- Eagle County is currently "shouldering" streets throughout Eagle County in order to preserve the asphalt and ensure proper drainage.
- Eagle County will return in approximately three weeks to trim any landscaping that is within two feet of the edge of asphalt that could impede safety and/or snow removal.
- An email will go out to residents reminding them of the rules around campaign yard signs and asking everyone to be polite and respectful of their neighbors.

EAGLE VALLEY WILDLAND'S 2024 OVERVIEW, 2025 UPDATE, AND EDWARDS' RECONSTRUCTIVE VALUE ESTIMATE

Hugh Fairfield-Smith, Fire Management Officer with Eagle Valley Wildland (EVW), provided an overview of Core Logic's insurance rating system and explained that Edwards, not including Beaver Creek or Avon, has the 15th most expensive reconstructive value in the United States at \$8.9 billion. Los Angeles is the most expensive at \$143 billion. This makes wildfire risk mitigation even more important as insurance companies use this information as part of their risk assessment when offering home insurance.

In 2024, EVW mitigated wildfire risk on 130 acres of USFS land adjacent to developed communities and is working with the USFS to do additional mitigation on their land. USFS has

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planned the Muddy Sheep prescribed burn in areas north of Singletree, from Berry Creek to Highway 131. The purpose is to revitalize the health of the aspen trees in the area.

Looking forward, EVW is looking to implement a residential property assessment survey that would be on-going with each home in Singletree being reviewed every three years. The results of the professional property assessment would only be sent to the property owner, and they could choose to take the actions identified for their property. These assessments would not be shared with other entities, only the property owner. The focus will exclusively be on landscape and vegetation and not any structures. REALFire Assessments focus on structures so they could be used in conjunction with EVW's assessments. EVW is asking for continued support in 2025 of \$100,000. With that support, Singletree property owners would benefit from a trained fire professional completing those property assessments in Singletree each summer. Additionally, EVW is asking for a letter of support to include with their 2025 grant applications.

There was a question about the USFS employee on the trails above Singletree removing the pinion juniper trees. It was explained this was to revitalize the sage brush and deer habitat. Pinion juniper trees are dangerous in a wildfire situation and have degraded the health of the sage bushes.

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 24th day of September 2024.

Respectfully submitted,

Nina Timm