

MINUTES OF A SPECIAL MEETING OF THE BOARD  
OF DIRECTORS

OF

HIGH PLAINS METROPOLITAN DISTRICT

Held: Wednesday, August 21, 2019, at 6:00 p.m. at 7777 S  
Country Club Parkway, Aurora, Colorado.

Attendance

A special meeting of the Board of Directors of the High Plains Metropolitan District was called and held as shown above and in accordance with the applicable statutes of the State of Colorado. The following directors, having confirmed their qualification to serve on the Board, were in attendance:

Josie O'Neill  
Frank McGuinn  
Pascal Dengah

Directors Drew Messerli and Trevor Garbers were absent. All absences are deemed excused unless otherwise noted in these minutes.

Also present were Clint C. Waldron, Esq. and Megan J. Murphy, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel; Carrie Bartow, CliftonLarsonAllen, LLP, District Accountant; Kevin Cox and Jerry Maness, Cox Professional Landscape Services, LLC; Irene Borisov, Summit Management & Consulting, District Manager; and homeowners.

Call to Order

Director O'Neill noted that a quorum of the Board was present and called the meeting to order.

Declaration of Quorum/Director  
Qualification/Reaffirmation of  
Disclosures

Mr. Waldron advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. Waldron reported that disclosures for those directors with potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Mr. Waldron inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the

meeting. No additional disclosures were noted. The Board determined that the participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

## Agenda

The Board reviewed the proposed agenda. Following discussion, upon motion duly made and seconded, the Board unanimously approved the agenda.

## Consent Agenda

Mr. Waldron presented the items on the consent agenda to the Board. Mr. Waldron advised the Board that any item may be removed from the consent agenda to the regular agenda upon the request of any director. No items were requested to be removed from the consent agenda. Upon a motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified and adopted:

- July 24, 2019 Special Meeting Minutes
- Payment of Claims represented by checks and online payments in the amount of \$127,903.12
- Resolution Concerning Online Notice of Regular and Special Meetings

## Capital Improvements

### Update on Consilium Design Landscape Master Plan and Consider Associated Proposals

Ms. Borisov provided an update on the Consilium Design Landscape Master Plan to the Board. She noted that the Landscape Committee met with Consilium Design and has a proposal for the Board. Mr. Cox noted that the goal is to flush the irrigation system as much as possible and the Board needs to address irrigation and soil issues as part of the installation of new landscaping.

Mr. Cox reviewed Estimate No. 1080 for installation of new irrigation system filters with the Board. He noted that the filters clean themselves automatically and they need to be installed first so less dirty water enters the system. Mr. Waldron noted that the landscaping is irrigated with well water from the Golf Course and the well water has debris in it that is plugging up the irrigation system and the filters would help with pressure and water quality in the system. Mr. Cox noted that the proposal includes the concrete pads and metal covers to prevent theft. Director O'Neill asked if there is a manufacturer's warranty for the filters. Mr. Cox did not know but will find out. Mr. Cox noted that the approximate cost is \$40,000 and that he recommends the filters be installed regardless of new landscaping plans.

Mr. Cox reviewed Estimate No. 1090 in the amount of \$9,240 for new irrigation zones with the Board. He noted that some of the irrigation zones are set for turf but currently have annuals and other plants in them. Mr. Cox also noted that the proposal for \$9,240 does not include replacement of current wiring and replacement wiring will cost an additional \$240 per zone or \$2,475 for the entire system.

Mr. Cox reviewed Estimate No. 1091 in the amount of \$18,603 for installation of an indicator and flush to the drip system. Mr. Cox noted that there is currently no way to flush the lines or determine if the lines are working properly and this proposal would add those features to the drip system lines.

Mr. Cox reviewed Estimate No. 1093 in the amount of \$11,160 for flushing pop-up heads and replacement of nozzle and screen on flushed heads. Mr. Cox noted that this would flush out the low areas of the lines where more of the debris collect. Director O'Neill asked if this included all parts and labor. Mr. Cox responded that it does include parts and labor.

Mr. Cox offered the Board a 5% discount on Estimate Nos. 1080, 1090, 1091 and 1093 if they are paid in full up front. The Board engaged in general discussion and noted that \$81,261 is the maximum for all 4 proposals without the 5% discount. Director O'Neill asked if the District has allocated funds for these proposals. Ms. Bartow confirmed that there was \$300,000 budgeted for landscape improvements.

Ms. Hamilton from the Landscape Committee noted that these irrigation improvements are for the entire community so the cost will be allocated from the landscape improvement budget based on the percentage of area.

Following discussion, upon a motion duly made and seconded, the Board unanimously approved Estimate Nos. 1080, 1090, 1091 and 1093 with the 5% discount. Mr. Cox will provide a timeline for the work and warranty information to the Board.

Mr. Waldron noted that the Board will still need to address the landscape installation and Ms. Borisov noted that Consilium will provide a proposal this week. Following discussion, upon a motion duly made and seconded, the Board unanimously authorized Director Messerli and the

Landscape Committee to approve the plans and authorize bidding of same.

Consider Approval of Estimate/Proposals for Entry Pillars

Deferred.

Consider Approval of Proposals from Recreation Plus, Ltd. for High Plains Park Shelter

Mr. Waldron reviewed the Proposal from Recreation Plus, Ltd. for High Plains Park Shelter with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Proposals from Recreation Plus, Ltd. for High Plains Park Shelter.

Consider Approval of Proposal from Star Playgrounds for High Plains Park Playground Equipment

Mr. Waldron reviewed the Proposal from Star Playgrounds for High Plains Park Playground Equipment with the Board. Mr. Waldron noted that the Board will need to pick a color for the equipment. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Proposal from Star Playgrounds for High Plains Park Playground Equipment subject to final legal review.

Discuss Status of Turnover of Lennar Park and Filing No. 3 Improvements

Mr. Waldron noted that he spoke with Lennar's Counsel and explained that the District does not currently own the park, but the Landscape Committee did a walk through with a landscape architect. He also noted that Lennar is replacing dead and dying material this week, and they hired an engineer to investigate the slope and run off issues. Mr. Waldron noted that Lennar also found the artist to create the third piece of art for the third roundabout and that the City said the other two roundabouts with turf were installed incorrectly. Mr. Waldron also mentioned that the area in front of the fire station is tied to the District's irrigation system and Lennar is investigating disconnecting it when they turnover the park to the District which is projected for Spring 2020 after all of the improvements have been completed.

Update on Park and Monument Sign Construction Contract and Schedule

Mr. Waldron provided an update on the status of the Park and Monument Sign Construction Contract and Schedule. He noted that there is a preconstruction meeting scheduled for next week and the Notice to Proceed will be sent on September 3rd. He informed the Board that most of the improvements including the playground and shelter will be installed in October or November and landscaping improvements will be installed in Spring of 2020.

## **Landscape Maintenance**

Landscape Maintenance Report

Mr. Cox reviewed the Landscape Maintenance report with the Board. He noted that they are dealing with irrigation issues and weeds. Director O'Neill inquired about the status of planting new trees and noted that there are still holes where new trees were to be planted. Mr. Cox stated that the tree planting has been completed. The Board requested a proposal for garland and ribbon bows for the new monument sign.

Review Proposals for Tree Planting Master Plan

Mr. Waldron reviewed the proposal from Tree Analysis Group with the Board. The Board discussed a long range tree master plan by an arborist. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal from Tree Analysis Group.

Discuss Review and Approve Work Orders/Proposals

None.

Update on City Improvements on Water Tank Hill Site

Mr. Waldron provided an update to the Board on the City Improvements on Water Tank Hill Site. He noted that the City visited the Park at Ms. Hamilton's request and the Agreement with the City provides that the City is required to replace all capital improvements. Mr. Cox reviewed the proposal for approximately \$12,000 in capital improvements with the Board subject to final review by the City.

Other Landscape Maintenance

None.

### **Facilities Management/District Operations**

District Manager's Report

Ms. Borisov reviewed the District Manager's Report with the Board. She noted that there are currently 180 violations for weeds, landscape maintenance, trash cans, dead or dying grass and campers.

A homeowner noted that they have contacted Ms. Borisov about a fence installed by a neighbor who installed his fence in the middle of the common drainage area. The homeowner stated that he has emailed Irene several times about the neighbor trespassing on his property to install the fence and concerns that the way the fence installed could create drainage issues for the District. Ms. Borisov responded that the District reviews and approves the ARC requests and the District is not involved in determining where fences are installed on the property lines but that they approve the size and type of fence only. It was noted that if the fence creates

drainage issues the District can pursue the owner to have the issues corrected. Director McGuinn stated that if the neighbor is trespassing on private property that is a private matter between the homeowners. The homeowner also asked if the adjacent property owners are required to approve an ARC request for fence installation. Ms. Borisov responded it is not required to get adjacent property owners approvals for this type of request but that it is recommended. Mr. Waldron noted that if the fence was installed was not approved there is a violation process and fines and liens. The homeowner also asked if the covenants could require a survey for fence installation. Ms. Borisov responded that the property owner would have been required to get a permit from the City to be sure it is installed on the lot line.

Covenant Enforcement/Architectural Review Matters

Ms. Borisov reviewed Work Order No. 8 from Full Spectrum Lighting in the amount of \$2,865 for electrical repairs. Following discussion, upon a motion duly made and seconded, the Board unanimously approved Work Order No. 8 in the amount of \$2,865.

Ms. Borisov reviewed the proposal from Harpster Maintenance Services in the amount of \$900 for power washing playground equipment, trash cans and tables and painting mail kiosks. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal from Harpster Maintenance Services.

Discuss Tract O Options

Mr. Waldron informed the Board that Ms. Borisov reached out to the adjacent homeowner and they are interested in purchasing the tract. Mr. Waldron informed the Board that there is a work order to replace the landscaping with cobble but another option may be to sell the property to the adjacent homeowner. The homeowner said she is interested in discussing it internally. Following discussion, upon a motion duly made and seconded, the Board unanimously directed legal counsel to obtain an appraisal of Tract O.

Other Facilities Management

Director McGuinn inquired about the homeowner with the vegetable garden. Ms. Borisov noted that they were going to request a variance but have not done so yet.

## **Legal Matters**

Consider Approval of Independent Contractor Agreement with Cox Professional Landscape Services,

Mr. Waldron reviewed the Independent Contractor Agreement with Cox Professional Landscape Services, LLC for 2019/2020 Landscaping and Snow Removal Services with the Board. Following discussion, upon a motion duly

LLC for 2019/2020 Landscaping and Snow Removal Services

made and seconded, the Board unanimously approved the Independent Contractor Agreement with Cox Professional Landscape Services, LLC for 2019/2020 Landscaping and Snow Removal Services.

Other Legal Matters

Mr. Waldron noted that the Wheatlands Park and Recreation Authority facility financing is scheduled for closing on September 6, 2019.

**Financial Report/Financial Matters**

Cash Position Report

Ms. Bartow reviewed the Cash Position Report with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the Cash Position Report.

Mr. Waldron informed the Board that he would be providing a schedule of SARIA improvements to be posted to the District website.

Discuss Budget Process and Budget Workshop

Ms. Bartow noted that they are working on the 2020 Draft Budget and the Budget Workshop could be held end of September or beginning of October.

Other Financial Matters

None.

**Public Comment**

A homeowner noted that the Golf Club maintenance yard looks ugly and requested the Board write a letter to the Country Club about its maintenance yard. The homeowner noted that there are three different kinds of fences, dead trees on the golf course, and garbage cans left in plain sight. Ms. Hamilton noted that she has written several emails and called the Country Club regarding unsightly conditions but has not received a response. Following discussion, upon a motion duly made and seconded, the Board directed Director Garbers to work with the Country Club on these issues. Director O'Neill asked about circulating a petition to homeowners stating the Country Club is unsightly. Mr. Waldron responded that would be okay.

A homeowner asked about columns without fencing on E Alder Drive. Mr. Waldron responded that he would ask Lennar about fencing.

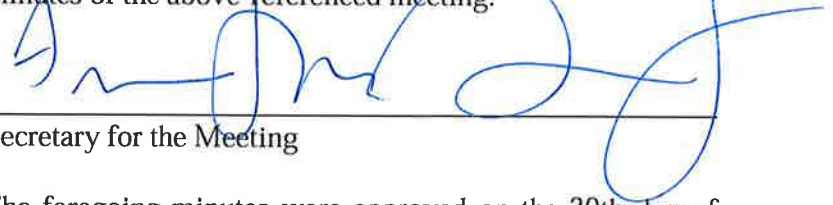
**Directors Items/Other Business**

None.

Adjourn

There being no further business to be conducted, the meeting was adjourned.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

Secretary for the Meeting

The foregoing minutes were approved on the 30th day of September, 2019.