

MINUTES OF A WORK SESSION AND REGULAR MEETING
OF THE BOARD OF DIRECTORS

OF

WHEATLANDS METROPOLITAN DISTRICT

Held: June 13, 2019, at 6:00 p.m., at 6601 S Wheatlands Parkway,
Aurora, Colorado.

Attendance

A work session of the Board of Directors of Wheatlands 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, were in attendance:

Kathy Barela
Paulette Martin
Robert Romero
Andrew Roper

Director Jack Lent was 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; Kimberly Armitage, YMCA, District Manager; Kevin Cox and Jerry Maness, COX Landscaping, Inc.; Rick Gonzales, Marchetti & Weaver, District Accountant; and Sharon Sulzle, AMI – Advanced Management, Inc.

Call to Order

It was noted that a quorum of the Board was present and the meeting was called to order.

Disclosure Matters

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.

Approval of Agenda

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

Public Comment

Several homeowners commented that they have enrolled their children in the YMCA Summer Camp (the “Camp”) which is held at the Wheatlands Clubhouse. The homeowners heard that children attending the Camp were not able to use the pool or playground equipment at the Wheatlands Clubhouse. The homeowners expressed their frustration that they as residents of the District have access to the pool and playground equipment, but their children attending Camp do not have access.

Ms. Armitage stated that each year the YMCA pays the District rent to use the Wheatlands Clubhouse for Camp. As part of that request, the YMCA also asks the District to use the pool and playground equipment. This year the Camp started before today’s meeting, so the YMCA was unable to request access before today.

Ms. Martin and Ms. Barela commented that last year residents requested the Camp not have access to the pool or playground equipment so that other residents of the community could use these amenities.

Following discussion, the Board determine to vote on providing the Camp access to the pool and playground equipment at the regular meeting.

Landscape Maintenance

Landscape Maintenance Report/Review Tracking Report
Water Usage

Mr. Cox reviewed the Landscape Maintenance Report with the Board. Mr. Cox noted that the annual flowers that were installed received slight damage from hail, but there is no need to replace them. He informed the Board that the next application of native area weed control has been postponed due to the weather, the fertilizer has been replaced with weed and feed which is showing good results.

Mr. Cox noted that he met with Goodland Construction and they are avoiding the main line at Wheatlands Park so Cox Landscaping can continue to water the remainder of Wheatlands

Park. Director Barela noted that one of the Wheatlands Park sprinklers is watering the wrong direction. Mr. Cox said he would investigate the matter.

Other Landscape Maintenance None.

District Management and Operations

District Management Report Ms. Armitage reviewed the management report with the Board. Ms. Armitage noted that the electrician will be out to fix the breaker in the restroom.

Director Barela requested a proposal for two additional picnic tables for the pool. Ms. Armitage noted that it is not in the budget but that she will look into getting a cost estimate.

Other Management and Operations Ms. Armitage requested that the CAMP be able to use the pool on Monday and Friday from 1:00 p.m. to 3:00 p.m. and use the playground equipment anytime. The Board determined to vote on providing the Camp access to the pool and playground equipment at the regular meeting.

Covenant Enforcement/Design Review

Report/Update on Covenant Enforcement/Design Review Ms. Sulzle reviewed the Covenant Enforcement and Design Review report with the Board. She informed the Board that the summer maintenance, pruning and painting is moving along.

Review Updates to Residential Improvement Guidelines and Site Restrictions Ms. Sulzle noted the items discussed in the meeting with Ms. Hartung and the Design Review Committee on Monday to discuss changes in the Residential Improvement Guidelines and Site Restrictions (the "Guidelines"). Ms. Sulzle stated that the Committee would like input from the Board on two items: (1) Section 3.11 of the Guidelines allows for portable basketball backboards but not permanent basketball hoops and; (2) Section 3.28.6 of the Guidelines states that prior approved fences that are not compliant with the Guidelines must become compliant when the fence is replaced, or whenever any repair is required or made to more than 25% of the existing fencing material, should the percentage be lowered to encourage replacement sooner?

Other Covenant Enforcement/Design Review A homeowner noted that a sink hole on Little River Way is forming causing part of the road to dip, the City is aware of the collapsing road but it will only be replaced when it actually sinks.

A homeowner asked if there is anything the District can do to encourage the City to act? Director Barela responded that through Access Aurora homeowners can continue to bother the City. Mr. Waldron confirmed that the District has no authority to fix the sink hole.

Parks, Recreation and Community Activities

Discuss Status of Park Project Mr. Waldron and Ms. Murphy reviewed the status of the Park Project with the Board.

Discuss Status of Recreation Facility Financing Ms. Armitage updated the Board on the Status of the Recreation Facility Financing. She noted that a new appraiser has been engaged, the Authority is working on the easement for the facility and the anticipated date for closing is the first week of August with an October 2020 opening date.

Director Barela noted that there is nothing in the contract that says the YMCA will use the profits from the financing to build Phase 2 of the project. Mr. Waldron noted that the revenue is controlled by the Wheatlands Park and Recreation Authority Board of which Director Lent and Director Martin are members.

Discuss Clubhouse/Pool Operations and Maintenance Ms. Armitage noted that the roof was inspected after the hail storm and there was no damage.

Discuss Rules and Regulations Mr. Waldron reviewed the proposed signs for the new park rules and regulations with the Board. Legal to review rules and provide comments to Director Barela.

Financial Matters

Financial Report Mr. Gonzales reviewed the financial report with the Board.

Other Financial Matters Mr. Gonzales noted that the preliminary assessed valuations will be available shortly.

Legal Report

Discuss Social Media Mr. Waldron inquired about individual director's use of social media. Mr. Waldron noted that generally the rules are the District only acts through an official motion and seconded vote of the Board unless actions are delegated by the Board to community representatives such as the Committees or the District Manager. He also noted that each Board member has rights guaranteed

under the First Amendment to speak about any issue or opinion they may have but that they cannot use language such as “as a Board” or “the Board has decided” as we do not want the community to be confused as to what is an official message of the Board and what is an opinion of a Director serving on the Board. Director Barela asked if she posted on social media as requesting an unofficial poll would that be considered a violation. Mr. Waldron stated that is acceptable so as long as it not an official communication channel used for Board correspondence and it would not be misinterpreted by the community that it is coming from the Board.

Other Legal Matters

None.

Director’s Items

None.

Other Business

None.

Adjournment

There being no further business to come before the Board, upon motion, second and unanimous vote, the meeting was adjourned. The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.



Secretary for the Meeting

The foregoing minutes were approved on the 22nd day of July, 2019.