

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

OF

WHEATLANDS METROPOLITAN DISTRICT

Held: April 11, 2019, at 6:00 p.m., at 6601 S Wheatlands Parkway,  
Aurora, Colorado.

Attendance

A work session and regular meeting 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:

Jack Lent  
Kathy Barela  
Paulette Martin  
Robert Romero  
Andrew Roper

Also present were Clint C. Waldron, Esq. and Megan J. Murphy, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel; Lori Walker and Kimberly Armitage, YMCA, District Manager; Kevin Cox and Jerry Maness, COX Landscaping, Inc.; and Rick Gonzales, Marchetti & Weaver, District Accountant.

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 presented.

#### Landscape Maintenance

##### Landscape Maintenance Report/Review Water Usage Tracking Report

Mr. Cox reviewed the Landscape Maintenance Report with the Board.

##### Other Landscape Maintenance

The Board engaged in general discussion regarding the Bomb Cyclone snow event on March 13, 2019 which cost the District approximately \$3,000. Following discussion, upon a motion duly made and seconded, the Board requested that Mr. Cox request permission from the Landscape Committee before providing snow removal services for extreme weather in the future.

The Covenant Committee informed the Board that the drain located at 6285 S. Ider Way may be causing damage to District property. The Committee requested Mr. Cox provide a proposal for backfill of the area and replacement of the missing fence at the same address. Following discussion, upon a motion duly made and seconded, the Board determined to defer Cox Landscaping Estimate No. 951 to clean up grass clippings on this common area tract.

The Board engaged in general discussion regarding the 2019 annual flower and labor proposal from Cox Landscaping. No action taken.

Mr. Cox informed that Board that the irrigation system will be reactivated on April 12, 2019.

The Board engaged in general discussion regarding the ongoing trash and pet waste issues in the District. Director Barela asked if more trash cans would help with trash collection. Mr. Cox noted that it might help but Wheatlands Parkway is a major arterial road that many people walk and drive through. Ms. Armitage noted that she has installed more trash cans in other communities but it did not reduce the trash. Following discussion, upon a motion duly made and seconded, the Board unanimously authorized and directed Cox to work with the YMCA on the installation of four

additional trash cans, with at least one on the north and one on the south end of the regional trail.

Director Romero informed Mr. Cox that there has been no snow removal on South Harvest Street. Mr. Cox said he would make sure this is addressed.

## **District Management and Operations**

District Management Report      None.

Other Management and Operations      None.

## **Covenant Enforcement/Design Review**

Report/Update on Covenant Enforcement/Design Review      Mr. Lent noted that there is an issue with two resident homes who installed metal and lattice fencing on South Powhatan Road. He also noted that the fencing was approved by Norris Design. The Board engaged in general discussion regarding the possibility of terminating Norris Design for design review and engaging AMI for design review services. The Board noted that if there is a proposed improvement or structure that requires a permit with the City of Aurora a licensed architect needs to review the request prior to approval by the City of Aurora. Following discussion, upon a motion duly made and seconded, the Board unanimously requested legal counsel to explore the possibility of entering into an agreement with these homeowners to remove the fences.

Review Updates to Residential Improvement Guidelines and Site Restrictions      Mr. Waldron informed the Board that the Residential Improvement Guidelines and Site Restrictions will be reviewed by the Covenant Committee and presented to the Board at the May meeting. Mr. Waldron also reviewed with the Board the difference between the Covenants and the Guidelines. He noted that any change to the District Covenants must be approved by a vote of 67% of the property owners while any change to the Residential Improvement Guidelines and Site Restrictions may be approved by the Board.

Other Covenant Enforcement/Design Review      Ms. Barela asked about the regulation of short-term rentals through the District Covenants or Residential Improvement Guidelines and Site Restrictions. Mr. Waldron explained that any restriction on short-term rentals is a restriction on property and would need to be in the District Covenants and voted upon by the property owners. He noted that short-term rentals could be in the

Residential Improvement Guidelines and Site Restrictions but it may not be enforceable. Mr. Lent suggested the YMCA poll the residents to see if short-term rentals are a problem within the District.

## **Parks, Recreation and Community Activities**

Discuss Status of Park Project Mr. Waldron updated the Board on the Status of the Park Project. He noted that there has been two delays in construction relating to the installation of the park restroom. Mr. Waldron noted that the Park may be opened prior to the completion of the restroom.

Discuss Status of Recreation Facility Financing Mr. Waldron provided an update on the status of Recreation Facility Financing. Mr. Lent informed the Board that the YMCA executive board has put the project on hold until further investigation can be completed. Ms. Armitage noted that the YMCA executive board is concerned about salaries and whether the YMCA will be made whole if membership numbers do not come in as projected. She also noted that the YMCA executive board is voting on April 26<sup>th</sup> whether to proceed with the project and the CSP has been approved and the water tap fees have been negotiated. Ms. Armitage also noted that if the YMCA executive board votes to move forward, closing is expected to happen May 2019.

Discuss Clubhouse/Pool Operations and Maintenance Ms. Walker informed the Board that Pool Doctor has been engaged by YMCA to get the pool ready for summer. She noted there is an Easter Event on Saturday, April 20<sup>th</sup> from 10:00am to Noon, Pine Elementary has rented the pool on May 22nd, and online pool rental applications are going well.

## **Financial Matters**

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

Other Financial Matters None.

## **Legal Report**

Discuss Memorandum Regarding Overview of HB19-1050 Mr. Waldron reviewed the Memorandum Regarding Overview of HB19-1050 with the Board. He noted that any special district that has covenants restricting drought tolerant plants is no longer enforceable but the District can still adopt reasonable guidelines regarding drought tolerant plants under the revised law.

Discuss 811 Tier 1  
Membership

Mr. Waldron reviewed the 811 Tier 1 Membership changes with the Board. He noted that all owners of underground utilities, including the District, are now required to hold memberships with 811. The Board directed Ms. Walker to sign the District up as an 811 member.

Other Legal Matters

None.

**Director's Items**

None.

**Public Comment**

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 9th day of May, 2019.