

MINUTES OF A SPECIAL MEETING OF THE BOARD OF
DIRECTORS

OF

WHEATLANDS METROPOLITAN DISTRICT

Held: Thursday, September 10, 2020, at 6:00 p.m.

Due to Executive Orders issued by Governor Polis and Public Health Orders implementing the Executive Orders issued by the Colorado Department of Health and Environment, and due to the risks posed by Covid 19, this meeting was held via teleconferencing.

Attendance

A special 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:

Paulette Martin
Kathy Barela
Robert Romero
Sameer Bhatnagar
Brooke Holliman

Also present were Clint C. Waldron, Esq., and Laura S. Heinrich, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; Rick Gonzales, Marchetti & Weaver, District Accountant; Lori Walker, YMCA, District Manager; Sharon Sulzle, Advance Management, LLC; Kevin Cox, Cox Landscaping.

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 reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of 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 participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Agenda

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

Covenant Enforcement Hearing(s)

Ms. Sulzle provided background on the painting violation for 25368 E Fair Dr. She noted that an application for painting was submitted, but as the house was not painted the colors as submitted and approved on the application, the homeowners received a Violation Notice. The homeowners requested a hearing, and the Covenant Committee, after the hearing, upheld the violation. The homeowners have appealed the decision of the Committee to the full Board. Julia Rossi and Kevin Rossi addressed the Board, noting they felt the application was hard to understand relative to the Trim Color and Accent Color, and they are not intentionally trying to paint the house a different color, but they feel the house looks good, and others in the neighborhood have commented on how nice the house looks, as it is a more modern look. The homeowners stated that they relayed the information to Ms. Sulzle on the painting scheme, and that information was not relayed to the Board. They also have examples of numerous houses in the neighborhood with a similar color scheme. The stated that every color on the application is on the house. The window trim is Snowbound White. The homeowners offered to resubmit the application, and Ms. Sulzle said it would be denied. After discussion, Director Romero made a motion to allow the color scheme as painted. The motion failed for lack of a second. A motion was made and seconded to deny the variance request, but waive all enforcement fees if the house is painted by the deadline. The motion was approved 4-0 with Director Romero voting no. A motion was made, seconded and unanimously approved to extend the deadline to repaint the trim until May 31, 2021. The homeowner discussed the opportunity to send out a survey to see if the community is in favor of a color scheme change for homes. The Board discussed concerns with the survey, and noted that it may be more helpful to have other homeowners attend the meeting, but that the ruling stands.

Public Comment

Mike French – Discussed examples of inconsistent landscaping across the community. His family planted the correct caliper tree, but others in the neighborhood have installed twigs. The same with fences. They reinstated their fence, but others have not. In addition, the District itself is not upkeeping its landscaping at Wheatlands Parkway and Ider St. Director Barela provided some history on the trees and said the Board will work with the landscape contractor on the maintenance of District property. Director Romero noted that the covenant enforcement process takes time, but the newer trees that have been planted outside of the correct caliper will be enforced. Mr. French asked if there is anything that can be done to limit the number of animal feeders. Ms. Barela noted there are already a number of limitations included in the guidelines, but it is

something the Board can look into. Mr. French asked who owned the cut through at Ider and Irvington. The Board noted that is City property.

Bret Talbot – Said he would like to address an ongoing issue regarding wildlife on the trails. Mr. Talbot noted the feeding is not occurring in the open space, but the feeding is occurring in the backyard, and then the animals are scattering the food into the open space. But Section 3.7 Nuisance is clearly implicated as he and his family are unable to enjoy their lot as raccoons are always on his fence, and raccoons can be carriers of diseases. Ms. Sulzle noted that the Department of Wildlife was brought in as additional support to look into the animal feeding. She noted that the Dept. of Wildlife officer was going to stop by the home today. Ms. Sulzle noted that she did observe the food on the porch today, and can escalate the nuisance, as previously the food was in the open space.

Dayna Willems - Asked that an addendum be added to the main guidelines regarding the tree caliper. Ms. Barela noted that the information is on the website. Ms. Willems noted that the same information should also be added to the guidelines.

Consent Agenda

The Board reviewed the items on the consent agenda. 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. Upon a motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified and adopted:

- August 13, 2020 Meeting Minutes
- Claims Payable in the amount of \$14,778.37

Covenant Enforcement/Design Review

Review Covenant
Enforcement Report

Ms. Sulzle reviewed the executive summary and operations summary covenant enforcement reports with the Board.

Ms. Sulzle asked about the trash can issues, noting that Waste Management had just conducted an audit and didn't pick up more than one trash can if it wasn't paid for, and she didn't want to issue violations until she had discussed it with the Board. Ms. Walker will send out a communication to the residents, and it should be resolved by the next covenant enforcement drive.

Landscape Maintenance

Review Landscape

Mr. Cox reviewed the landscape maintenance report. He noted the tree replacement project has been completed. There haven't been

Maintenance Report /Status of Approved Work Orders	any additional issues with the restroom, and they were able to power wash the seating area and sidewalks at the new park.
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Discuss Breeze Path	Mr. Cox discussed Estimate #1231 in the amount of \$1,560 to repair the breeze pathway. Director Romero asked if there is a way to prevent the erosion from happening again. Mr. Cox will see what they may be able to do. Following discussion, upon motion duly made and seconded, the Board unanimously approved the estimate in the amount of \$1,560.
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H Review Water Usage Tracking Report	The Board reviewed the Water Usage Tracking Report.
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Review and Consider Approval of Work Orders/Proposals	None.
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Discuss Insurance Claim on Dead Trees	Mr. Waldron noted he is aware of other districts who are evaluating whether to file a claim for trees that died due to the extreme weather fluctuations. After discussion, the Board requested that Ms. Walker submit a claim.
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Arborist Proposal – Tree Master Plan	Mr. Waldron asked whether the Board would like to retain an arborist to develop a long-term tree planting master plan for the District. Mr. Cox noted that an arborist can be very helpful in taking care of one of the most valuable improvements - trees. He noted an arborist can also provide additional information regarding tree spraying and tree health care, and that the arborist provides an independent third-party opinion and evaluation of the trees. Following discussion, upon motion duly made and seconded, the Board unanimously approved retaining an arborist and authorized Director Martin to approve and sign the final proposal.
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Other Landscape Matters	None.
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Legal Matters

Discuss Request for Reimbursement from Lokal Homes	Mr. Waldron stated he had received an email from Lokal Homes asking about a possible reimbursement for landscape costs associated with landscaping the berm along Smoky Hill Rd., just east of S. Wheatlands Parkway behind the multi-family units Lokal constructed. After reviewing the property, Mr. Waldron informed Lokal that as the property was private (owned by the HOA) and not public property, the District would not be reimbursing Lokal for any of their landscaping costs. The Board also discussed the landscaping
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in the right-of-way adjacent to this property, and asked Ms. Walker to notify the HOA that they are responsible for landscape maintenance and snow removal services in this area. Mr. Cox will evaluate the irrigation to see if it can be isolated, and if not, develop a pro-rata share calculation for water costs to be reimbursed by the HOA.

Other Legal Matters None.

District Management

District Manager's Report and Status of Approved Work Orders Ms. Walker reviewed the District Manager's Report with the Board.

Ms. Walker discussed the trash concerns. Waste Management was dumping more trash carts than was called for in the contract, they conducted an audit, and then determined to strictly enforce the contract. Homeowners may pay for an additional trash cart. Apparently, customer service had been telling residents that 5 trash bags were allowed, but that was a mistake on their end and has been fixed. Ms. Walker also noted that she has scheduled the dumpster for Dumpster Day, October 3, 2020, and the dumpster will be monitored and picked up the same day. The Board asked that additional dumpster days also be considered, as well as a large item pickup days. Ms. Walker will discuss options with Waste Management.

Ryevue and Consider Approval of Work Order/Proposals Ms. Walker reviewed the 2020 Holiday Lighting proposal with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal in the amount of \$7,700.

Discussion Regarding Retiling Pool The Board reviewed pictures showing where retiling work is needed and asked that this work be included in the 2021 budget. No Board action required.

Other District Management Matters It was mentioned that homeowners have been feeding wildlife on the City Trail behind Ider St. Ms. Sulzle will work with the City of Aurora to try to address the issue.

Parks, Recreation and Community Activities

Discussion Regarding District Parks, Pool and Clubhouse – COVID 19 Ms. Walker noted the fogging machine should be delivered in October, which should reduce the cleaning fee from around \$150 to around \$75. She noted there have been several rentals recently.

The Pool will close on September 20th.

Park Vandalism Insurance Claim Update	Ms. Walker informed the Board she would follow up with the District's insurance broker, T. Charles Wilson regarding the status of the insurance claims.
Playground Inspections	Ms. Walker provided an update on playground safety inspections. Ms. Walker reached out to Playground Safety Solutions for a proposal, and they are working on a proposal, but estimated the fee to be between \$1200-\$1500 for quarterly inspections. Following discussion, upon a motion duly made and seconded, the Board unanimously approved entering into a contract with Playground Safety Solutions for quarterly playground inspections.
Discuss Wheatlands Park – Phase II	It was noted Architerra is actively working on a detailed plan for the 'neighborhood patio' area and the planting plan concept, but the information is not yet available for the Board. It should be available for the next board meeting.
WPRA Recreation Facility Update	Ms. Barela provided an update on the recreation facility construction, noting there will be a "topping out ceremony" on September 25, 2020 from 3-5pm signifying the structural completion of the facility.
Discuss Community Events	The Board discussed the Pumpkin Patch event scheduled for October 25th from 10am-noon. Jen Cronk will sponsor a cider and coffee cart.
Discuss Community Survey – Questions and Timing	Ms. Barela noted that around this time the Board sends out a survey. The Board asked Ms. Walker to send the Board the former survey and the Board can propose additions and deletions to the survey.

Financial Matters

Consider Acceptance of Unaudited Financials for the period ended July 31, 2020	Mr. Gonzales reviewed the July 31, 2020 unaudited financials with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the financials.
2021 Budget Workshop – October	The Board discussed holding a budget workshop. Mr. Waldron inquired as to whether the Board would be interested in having a short Insurance 101 session provided by T. Charles Wilson at the same meeting. The Board noted they would like the insurance overview. The Board would like to hold the meeting on October 22, 2020.
Other Financial Matters	None.

Director's Items

Review and Discuss Board
Emails Received

None for discussion.

Discuss Attendance at SDA
Conference

The Board discussed attendance at the SDA conference.

SARIA Update

Ms. Holliman provided an update on the SARIA meeting.

Public Comment

None.

Other Business

None.

Adjourn

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.

Robert Romero Jr

Secretary for the Meeting

The foregoing minutes were approved on the 8th day of October, 2020.