

MINUTES OF A SPECIAL MEETING OF THE BOARD OF
DIRECTORS

OF

WHEATLANDS METROPOLITAN DISTRICT

Held: Thursday, October 8, 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.

Public Comment

Bill O'Connor – Wanted to thank staff for all the work with the dumpsters, and noted there need to be more dumpster opportunities.

Larry Payton – Wanted to give an opinion on the paint violation on the house at 25368 E Fair Dr. The house is beautiful, the homeowners take better care of their house than most in the neighborhood. He feels they are being singled out, as there is a house on the same street with the same paint scheme. There are houses in the community where the paint schemes don't match. Understands the need for an HOA, and appreciates it, but when a home looks as nice as this one, is concerned a violation was made. Would ask that the Board reconsider. The community has a beautiful park, a new YMCA.

Julia Rossi – Original owners of the home, purchased the home from Richmond about 9 years ago. There are several things the District is obligated to provide to homeowners, not participate in selective enforcement, fiduciary duty, but not allowed to misrepresent to homeowners, and retaliate. Feels the Board is participating in all 4 activities. This is a problem that needs to be raised, feels information is being misappropriated by the management company to the Board, and the criteria do not meet the requirements of the established guidelines. The community needs to stay current, and relevant to the times, yet certainly not ok with selective enforcement of the approval flexibility. Some homeowners are allowed to submit amendments to the design review request. Some are asked to repaint their homes while others are not, they are being required to paint trim fascia and soffits one color, when builder did not paint that way, and others in the neighborhood were not required to repaint their homes.

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:

- September 10, 2020 Meeting Minutes
- Claims Payable in the amount of \$172,012.33

Discuss Wheatlands Park –
Phase II

Ms. Dominguez provided an update on Wheatlands Park – Phase II. She is currently working on construction plans for the neighborhood

patio area and basketball court, and will be reaching out to the City of Aurora to schedule the pre-submittal meeting. She will present the Board with a rendered plan next week. Ms. Barela would like to share the plan with the community. Currently, the plan is to go out to bid in February/March. Ms. Dominguez will also send over an updated cost estimate. She is also working on the Entry Planting and putting together the plant palette, and will get conceptual designs over to the Board in the next few weeks.

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 noted she has received an overwhelming response to the tree replacement extension. She reviewed the second notice language for tree violations with the Board regarding submission of invoices or contract if a homeowner has already purchased a tree or in the process of waiting for a nursery or contractor. Notices have also been issued for under caliper tree. The political sign policy was also added to the newsletter. There have been questions as to whether the Board would consider lengthening the time political signs may be displayed. Ms. Sulzle noted that 30 days is average. The Board asked that this be added to the list of revisions to be considered for the guidelines.

Ms. Sulzle also provided an update on the wildlife feeding situation, noting a cease and desist letter has been sent out.

Update on 25368 E Fair Dr. Painting Violation

Ms. Sulzle provided an update to the Board, noting the Rossi's rejected the offer from the Board. The Board asked about next steps in order to preserve the statute of limitations. After discussion, upon motion duly made and seconded, the Board unanimously determined to send a final offer letter, which would allow until May 31, 2021 to cure the outstanding violation, but the offer would need to be accepted by October 28th, 2020, and the Restrictive Covenant Agreement would need to be signed. If the offer is not accepted, the Board will proceed with a covenant enforcement lawsuit.

Executive Session pursuant to § 24-6-402(4)(b), C.R.S., conference with an attorney for the District for the purpose of receiving legal advice as it relates to the Painting Violation at 25368 E Fair Dr., and pursuant to § 24-6-402(4)(e), C.R.S., for the

Upon a motion duly made and seconded, followed by an affirmative vote of at least two-thirds of the quorum present, the Board entered into executive session for the purpose of receiving legal advice as it relates to the Painting Violation at 25368 E Fair Dr., and pursuant to § 24-6-402(4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators related to the Painting Violation at 25368 E Fair Dr.

purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators related to the Painting Violation at 25368 E. Fair Dr.

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of the portion of this executive session that, in the opinion of legal counsel to the District, constitutes privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

Landscape Maintenance

Review Landscape Maintenance Report /Status of Approved Work Orders

Mr. Cox reviewed the landscape maintenance report. Ms. Barela noted that there have been more trash complaints at the park, as the park is being heavily used. Mr. Cox noted, per the contract, they are removing trash once a week, but have increased pickup to twice a week, and is not charging for the extra trash pickups. He would like to see the Board increase trash policing and pickup. Ms. Walker suggested Mon-Wed-Fri May-October; and 2x a week during the off season. She also discussed adding a provision to the rental contract requiring those renting the park to haul out larger trash items. The Board asked if more trash cans were needed. It appears certain cans are empty, while others are overflowing. Upon motion duly made and seconded, the Board unanimously approved emptying the trash cans and all pet waste stations 2x a week through the end of year.

Discuss Breeze Path and Potential Erosion Control Measures

Mr. Cox noted the work has been completed. The Board asked whether the erosion was worth mitigating or not. Mr. Cox noted the washout is from storm events, and the Board would be better served by repairing as needed rather than trying to put in place permanent erosion control measures.

Discuss HOA Maintenance of Adjacent Property

Ms. Walker noted she had spoken with Stephanie Speaker, the HOA manager regarding the HOA maintaining the property along Smoky Hill Rd adjacent to the multi-family units, and the HOA agreed to maintain this area. The Board asked Mr. Cox to see what could be done to install a submeter for the irrigation water for this area.

Review Water Usage Tracking Report

The Board reviewed the Water Usage Tracking Report.

Review and Consider Approval of Work Orders/Proposals

The Board reviewed estimate # 1270 for installation of missing trees and shrubs to bring back the area to the original design intent. The Board questioned where the trees would be installed, as the other trees have filled out quite nicely. Mr. Cox noted that there are missing trees and shrubs. Following discussion, upon motion duly

made and seconded, the Board unanimously approved the installation of one tree and the two dogwoods.

Discuss Insurance Claim on Dead Trees

The Board reviewed estimate # 1271 to install a Honeylocust in front of the clubhouse in the treelawn in front of the Buffalos. Following discussion, upon motion duly made and seconded, the Board unanimously approved the estimate. Mr. Cox noted the tree may need to be replaced in the spring, depending on the quality of stock available.

Other Landscape Matters

None.

Legal Matters

Discuss 2021 Landscape Maintenance and Snow Removal Contract

The Board discussed renewing the Landscape Maintenance and Snow Removal Contract with Cox for 2021. Mr. Waldron noted the current contract expires on April 30, 2021. Mr. Cox noted there will be no cost increase except for the cost of the additional scope of work for site policing. The Board asked that the contract be renewed for another term.

Discuss 2021 District Management Services and Clubhouse Management and Programming Contract

The Board discussed renewing the District Management Services and Clubhouse Management and Programming Contract with the YMCA for 2021. Mr. Waldron noted the contract automatically renews, unless terminated by the Board, or failure of the Board to appropriate funds for the contract for the next year. The Board asked that the contract be renewed for 2021. Ms. Walker is working on the pricing for 2021.

Discuss 2021 Contract for Pool Maintenance and Staffing

The Board discussed renewing the Pool Maintenance and Staffing contract with the YMCA for 2021. Mr. Waldron noted the contract automatically renews, unless terminated by the Board, or failure of the Board to appropriate funds for the contract for the next year. The Board asked that the contract be renewed for 2021. Ms. Walker is working on the pricing for 2021, including adding the extended pool hours.

District Management

District Manager's Report and Status of Approved Work Orders

Ms. Walker reviewed the District Manager's Report with the Board.

- Dumpster Day: Dumpster Day was Saturday, and the dumpster was overfilled, as Waste Management dropped it off too early, and the District had to turn people away. Waste Management would not pick it up as it was overflowing, and the District had to offload the overfilled dumpster on Monday. The Board discussed the alternatives, and the prior dumpster day experiences.

- The Bee in the park has been repaired, the wall has been repaired, and the insurance check has been received.
- Claim for trees – Ms. Walker is continuing to work with the insurance adjuster.
- Quarterly park inspection has been set up.
- Pool closed for season, pool and restrooms being winterized.

Review and Consider
Approval of Work
Order/Proposals

The Board engaged in discussion regarding the pool restroom remodel and design review. The Board reviewed proposals received. Following discussion, upon motion duly made and seconded, the Board unanimously approved the \$1800 design fee proposal from Be Happy Interiors, subject to confirmation the project can be phased.

Discuss Community Survey

The Board reviewed the results of the community survey. Ms. Walker noted there were only 101 responses and wanted to know if the survey should be sent out again. The Board asked that it be sent out again. The Board noted that, to the extent folks would like to send comments to the Board outside of the survey, they are free to email the Board directly.

Other District Management
Matters

None.

Parks, Recreation and Community Activities

Discussion Regarding District
Parks, Pool and Clubhouse –
COVID 19

The Board engaged in general discussion regarding District's Parks, Pool and Clubhouse and ongoing COVID 19 matters. It was noted that the Clubhouse is still being booked and the cleaning fee has been reduced.

WPRA Recreation Facility
Update

Ms. Barela provided an update on the recreation facility construction, noting the "topping off" ceremony was last Friday. The roof will hopefully be on by the end of October. The Authority is also reviewing fitness equipment.

Discuss Community Events

The Board discussed the upcoming Pumpkin Patch event.

Financial Matters

Consider Acceptance of
Unaudited Financials for the
period ended August 30, 2020

Mr. Gonzales reviewed the August 30, 2020 unaudited financials with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the financials.

Update on Xcel Powerline Mitigation Payments Mr. Gonzales reviewed the Xcel Powerline Mitigation Payment tracking report. Ms. Walker will resend the letter to the homeowners eligible for the program.

Other Financial Matters None.
Director's Items

Review and Discuss Board Emails Received None for discussion.

Discuss Request for Article in Community Newsletter - Bond Issue 4A/4B The Board discussed the request, but determined not to take a position.

Public Comment Bill O'Connor - commented on dumpster day; stating the District should post what DAD's dump accepts on the District website.

Other Business Budget Workshop is scheduled for October 22, 2020 at 6:00 p.m.

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 12th day of November, 2020.