

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS

OF

WHEATLANDS METROPOLITAN DISTRICT

Held: October 14, 2021 at 6:00 p.m., at 6601 S. Wheatlands Parkway, Aurora, Colorado and via teleconference.

**Attendance**

A 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:

Kathy Barela  
Paulette Martin  
Sameer Bhatnagar  
\*Brooke Holliman (joined where shown)  
Jody Detmer

Also present were Clint C. Waldron, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; Rick Gonzales, Marchetti & Weaver, District Accountant; Sharon Sulzle, AMI - Advanced Management, LLC; Isabell Rodau and Kimberly Armitage, YMCA, District Manager; Kevin Cox and Jerry Maness, Cox Landscaping; Lesanne Dominguez, The Architerra Group; various members of the public and Sharks Swim Team Members.

**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.

**Public Comment**

Sharks Swim Team: Trisha Shemberg– Provided an introduction to the Sharks Swim Team and discussed the view and mission of the Sharks Swim Team. The Sharks Swim Team has been in existence for 26 years and is a 501(3)(c) organization. They would like the District to entertain entering into a contract directly with the Sharks Swim Team.

The Board noted they have requested a roster of who lives in the community. The Swim Team noted they have declined to provide the list due to privacy matters. The Board discussed the need to know how many participants are Wheatlands’ residents. The Swim Team stated the majority of team members are Wheatlands’ residents or from the surrounding neighborhoods.

The Board and Swim Team discussed the benefits to the District and the community regarding the contract. The Board discussed the fees Chaparral charged, and the fees Wheatlands has charged. The Board also discussed use of lifeguards, insurance and liability matters.

The Swim Team also discussed registration and allowing Wheatlands’ residents to have priority registration. For the past 3 years, the Swim Team noted approximately 30% of the team consists of Wheatlands’ residents.

**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. Item 5.c. Ratify Proposal for Replacement of Lights in Clubhouse to LED was 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:

- September 9, 2021 Special Meeting minutes
- Claims Payable in the amount of \$188,545.92

**Consider Appointment of Secretary and Other Officers**

Deferred

**Covenant  
Enforcement/Design  
Review**

Review Covenant  
Enforcement Report

Ms. Suzle reviewed the Operations Summary and Executive Summary Reports, as well as the fines collected with the Board, and noted there are currently 135 open violations, with approximately 25-30 fences still needing to be re-stained. The Board discussed changes in law regarding signs and flags to ensure compliance with current legislation and potential revisions to the guidelines. No Board action taken.

**Financial Matters**

Review and Consider  
Acceptance of Unaudited  
Financials for the period  
ended August 31, 2021.

Mr. Gonzales reviewed the August 31, 2021 unaudited financial statements with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously accepted the financial statements.

Update on Xcel Powerline  
Mitigation Payments

No update.

Other Financial Matters –  
Budget Workshop

The Board generally discussed the October 28, 2021 budget workshop.

Review and Consider  
Approval of Proposal from  
Dazzio & Associates, PC to  
Perform 2021 Audit

Mr. Gonzales reviewed the Proposal from Dazzio & Associates, PC to perform the 2021 Audit with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.

**Landscape Maintenance**

Review Landscape  
Maintenance Report /Status  
of Approved Work Orders

Mr. Cox reviewed the landscape maintenance report with the Board and provided an update on the status of the following ongoing projects:

- Entryway planting: Complete
- North Powhatan tree and rock bed project: Starting in October. Delay in receiving the trees from the grower due to transportation challenges.
- French drain on Wheatlands Parkway and S. Harvest St.: Hoping to have completed by the end of the year.
- Xeric planting of rock bed at north end of S. Ider St.: Work approved and scheduled for Spring 2022.

- Tree project: Would like to postpone evergreen trees to be planted in the spring and will discuss with Mr. Howey.
- Park Bathroom: drinking fountains have been winterized; Board discussed the current Tik-Tok vandalism that has occurred at restroom facilities and how to best secure the District's restrooms. The Board discussed the current opening and closing times and determined to leave the times for the time being.

Review Water Usage  
Tracking Report

The Board reviewed the report and engaged in general discussion.

Review and Consider  
Approval of Work  
Orders/Proposals

*Proposal from Cox for  
Landscape Enhancements  
(Tract B, Filing No. 7)*

Mr. Cox informed the Board the proposal for Landscape Enhancements (Tract B, Filing No. 7) is still in process.

Other Landscape Matters

*Discuss Water for  
Authority/Recreation Facility  
Site*

Discussed later in meeting. See *WPRA Recreation Facility Update* below.

**Legal Matters**

Status of Snow Removal and  
Plowing Operations IGA  
with City of Aurora (To be  
discussed at the September  
29th TAPS Council Policy  
Committee Meeting)

Mr. Waldron provided the Board with an update.

Discuss Engagement of  
Special Legal Counsel for  
Foreclosure Actions

The Board discussed engagement of special counsel for foreclosure actions. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the engagement of Spencer Fane as Special Counsel for Foreclosure Actions.

Other Legal Matters

None.

*\*Director Holliman joined the meeting*

## District Management

District Manager's Report  
and Status of Approved  
Work Orders

Ms. Rodau reviewed the management report with the Board.

Discuss Community Events

Ms. Rodau provided an update on community events.

Discuss Proposals for Snow  
Removal Contractor (City  
Streets)

The Board directed Ms. Rodau to invite LandTech to the District's next meeting. No Board action taken.

Review and Consider  
Approval of Work  
Orders/Proposals

*Discuss Staining of  
Community Light Poles*

The Board deferred discussion.

*Proposal for Upgrading  
Lighting at Monuments to  
LED*

Ms. Rodau discussed the proposals for upgrading the lighting at the monument signs to LED. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposals.

*Discuss Replacement of Light  
Pole Fixtures to LED and  
Xcel Rebate*

The Board deferred discussion.

Other District Management  
Matters

*Mulch Playground*

The Board reviewed the proposal from Cox Professional Landscape Services LLC for installation of playground chips (mulch). Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal for an amount of \$3,150.00.

*Dumpster Enclosure Repair*

Following discussion, upon a motion duly made and seconded, the Board unanimously approved the repair of the dumpster enclosure.

*Waiver of Disinfection Fee*

Following discussion, upon a motion duly made and seconded, the Board unanimously approved the waiver of the Disinfection Fee and asked that renters be asked to wipe down and put away the tables and chairs.

## Capital Projects

WPRA Recreation Facility Update Ms. Armitage provided an update on membership numbers, noting they are down slightly due to the late opening, COVID, and mis-communication regarding the facility being for Wheatlands' residents only. There is currently a wait list for swim lessons and they are hoping to hire more staff. The YMCA swim team will also be offering lessons at the facility. The Board asked about utilizing the kitchen more. Ms. Armitage noted they would love to, but it's been hard hiring additional staff.

Ms. Armitage also discussed the water tap issue, and indicated they are still working through the design to see what is possible to ensure sufficient water pressure. Mr. Cox noted they are discussing the use of non-potable water and non-potable fees and how that can be facilitated through the existing meters, or the use of a new tap. As the water is being turned off, it provides some additional time to work through the issue with the City and contractor.

Park Phase I - Warranty and Drainage The Board discussed and approved waiting until spring to plant warranty plants. The Board discussed the stone repair at the shelter and requested Ms. Rodau get additional quotes

Update on Wheatlands Park Phase II (Architerra) Ms. Dominguez noted comments on the Plans were received from Planning and edits were made, and the Plans were submitted for the second round of comments. They are working on the pre-submittal with engineering and anticipate comments back in 4-6 weeks.

Update on Restroom Remodel Ms. Rodau provided the Board with an update on the restroom remodel and indicated that work has been delayed due to materials and labor availability.

## Director's Items

Discuss Swim Team Contract The Board engaged in discussion regarding the Swim Team contract, and whether to have a Swim Team at the pool in 2022. The Board requested this topic be added to the next meeting agenda.

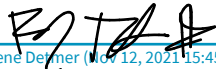
Review and Discuss Board Emails Received None.

**Other Business**

**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.

  
Eugene DeFner (Nov 12, 2021 15:45 MST)

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Secretary for the Meeting

The foregoing minutes were approved on the 11<sup>th</sup> day of November, 2021.