

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS

OF

WHEATLANDS METROPOLITAN DISTRICT

Held: September 8, 2022 at 6:00 p.m., at 6601 S. Wheatlands Parkway, Aurora, CO.

**Attendance**

A 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  
Rodney DeWalt  
Sameer Bhatnagar  
Brooke Holliman

Also present were: Clint C. Waldron, Esq., White Bear Ankele Tanaka & Waldron, District General Counsel; James Shultz and Rick Gonzales, Marchetti and Weaver, District Accountant; Isabell Rodau, Kimberly Armitage (via phone) and Beau Nelson, YMCA, District Manager; Kevin Cox, Cox Professional Landscaping; Sharon Sulzle (via phone), AMI HOA; and residents and representatives of the swim team.

**Call to Order**

It was noted that a quorum of the Board was present and the meeting was called to order at 6:00 p.m.

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

**Public Comment** None.

**Swim Team** Ms. Holliman briefly discussed the desire of the swim team to renew the swim team contract. The president of the swim team addressed the Board noting the benefits of the swim team to the community. She asked that the Board entertain renewing the contract and consider renewing the contract for multiple years. Ms. Rodau noted it went much better with the swim team this year, and she didn't have any complaints. Ms. Rodau reviewed the percentage of swimmers living in the community and surrounding areas. The Board asked how the swim team is advertising to the community. Representatives of the swim team provided information on its community outreach programs. They also noted there were about 180 swimmers. The charge was approximately \$200 per swimmer which includes all social events, swim meets, and registration fees. Non-Wheatlands residents were charged an additional \$50 fee. The Board asked about the use of the fee. The swim team also operates a concession stand. The Board asked that a proposal be submitted to the swim team committee for review and consideration. The committee will then make a recommendation to the Board. The Board noted that the contract will need to include the addition of a chemical log. The Board asked if the swim team would consider moving to two meets rather than three meets. The Board also asked that the swim team provide the fees that other teams are paying for use of pool facilities.

**Urban Soccer Fields** Mr. Nelson reviewed alternative layouts to better utilize the site. The Board discussed the proposed options. Following discussion, upon motion duly made and seconded, the Board unanimously determined to move forward with Alternative 1 which includes enlarging the futsal/pickleball court an additional 10 feet in each direction. The Board asked Mr. Nelson to obtain an updated proposal.

**Status of Production** Ms. Armitage noted that the production is still on schedule.

**Discuss Specifications for Site Preparation and Authorize Bidding of Site Work** Ms. Armitage noted that Urban Soccer will be providing the bid specifications next week. The Board authorized the bidding of the site work, with a bid alternative for installation of the fields.

Discuss Status of Ground  
Lease for Installation of  
Soccer Fields

Ms. Armitage noted that the District and the Authority have provided the proposed ground lease to the bank for review and comment.

### **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. No items were requested to be removed from the consent agenda. Upon motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified and adopted:

- a. Minutes from April 12, 2022 Joint Special Meeting (Mr. DeWalt abstained from approving this matter)
- b. Minutes from August 11, 2022 Special Meeting
- c. Claims Paid in the amount of \$393,115.34
- d. Work Order No. 4 to Independent Contractor Agreement for Holiday Lighting with Shad Wilson
- e. Independent Contractor Agreement for Pool Maintenance and Repair Services with Pool Doctor
- f. Work Order No. 1 to Independent Contractor Agreement for Pool Maintenance and Repair Services with Pool Doctor (Water Chemistry Controller System)
- g. First Addendum to Independent Contractor Agreement with Colorado Lighting, Inc.
- h. Contract with SOS Technologies for Oxygen Tanks
- i. Work Order Nos. 83 and 84 to Independent Contractor Agreement for Landscape Maintenance and Snow Removal Services with Cox Professional Landscaping
- j. Contractor Agreement with Urban Soccer Park for Field Production

### **Covenant Enforcement/Design Review**

Review Architectural Review  
and Covenant Enforcement  
Reports

Ms. Sulzle reviewed the operations summary and executive summary of the Architectural Review and Covenant Enforcement Reports, noting the status of covenant enforcement violations and architectural review requests.

### **Financial Matters**

Review Unaudited Financial Statements for the period ended July 31, 2022

Mr. Shultz reviewed the Unaudited Financial Statements for the period ending July 31, 2022 with the Board.

Other Financial Matters

Director Martin noted that the accounts receivable report appears to have duplicate addresses. Mr. Gonzales will review the report with AMCOBI. The Board would like to schedule a budget workshop to review the draft budget.

## **Landscape Maintenance**

Review Landscape Maintenance Report and Status of Approved Work Orders

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

Review and Consider Approval of Work Orders/Proposals

The Board requested that Mr. Cox obtain a proposal for playground mulch.

Review Water Usage Tracking Report

The Board reviewed the Water Usage Tracking Report.

Other Landscape Maintenance Matters

Ms. Barela noted that the sprinkler line that was broken still needs to be repaired. The Board discussed the restroom hours and determined to change the open hours to 8:30 a.m.-6:00 p.m.

## **Legal Matters**

Discuss Xcel Mitigation Funds

Mr. Waldron provided an update to the Board regarding the Xcel mitigation grant funds that have not yet been distributed. He noted he has requested an opinion from the Aurora City Attorney's Office on the use of funds that have not been requested by homeowners.

Discuss Contribution to Murphy Creek Trail

Mr. Waldron reviewed the City's proposed Murphy Creek Trail budget with the Board. Following discussion, upon motion duly made and seconded, the Board unanimously determined not to provide funding at this time.

Discuss IGA with City to Allow Snow Removal on City Streets

Mr. Waldron provided an update to the Board regarding the IGA with the City to allow snow removal on City streets. He noted that the City has determined not to renew the pilot program with Blackstone due to lack of funding and will not be enrolling other projects into the program.

Other Legal Matters

None.

**District Management**

District Manager's Report

Ms. Rodau reviewed her District Manager's Report with the Board. The Board authorized submitting an insurance claim for the stolen lamppost wire.

Review and Consider  
Approval of Work  
Orders/Proposals

The Board reviewed the proposal from Be Happy Interiors for the kitchen and restroom remodel. This matter is deferred to the budget workshop on September 27, 2022.

Authority Update

The Board asked that the District's special counsel, Spencer Fane LLP, look into requesting that the Authority reimburse the District for amounts incurred by the District for the Authority's benefit including TAP fees, TAP installation, landscape maintenance expenses, water costs and snow removal.

Other District Management  
Matters

None.

*At this time, Director Bhatnagar left the meeting.*

**Capital Projects**

Wheatlands Park Phase II

The Board reviewed the update from Architerra. Following discussion, the Board determined not to add pickleball lines to the basketball court. The Board discussed the completion schedule and potential liquidated damages for the park project. The Board also discussed the proposed concrete replacement. Following discussion, upon motion duly made and seconded, the Board unanimously authorized Director DeWalt to review the proposed areas and authorized concrete repairs where he deems necessary.

**Director's Items**

SARIA Update

Review and Discuss Board  
Emails Received

None.

([board@wheatlandsmetro.org](mailto:board@wheatlandsmetro.org))

None.

Other Director Items

None.


**Other Business**

The Board discussed ending future meetings at 8:00 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.

  
Brooke Holliman (Oct 14, 2022 17:27 MDT)

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Secretary for the Meeting

The foregoing minutes were approved the 13<sup>th</sup> day of October, 2022.