

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS

OF

WHEATLANDS METROPOLITAN DISTRICT

Held: January 12, 2023 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, Marchetti and Weaver, District Accountant; Sharon Sulzle, AMI HOA (*via telephone*); Isabell Rodau and Kimberly Armitage*, YMCA, District Manager, and Bob Howey*, Tree Analysis Group.

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.

Consent Agenda The Board reviewed the items on the consent agenda. Mr. Waldron advised the Board that an item may be removed from the consent agenda to the regular agenda upon the request of any director. It was requested that pay App #9 with Richdell Construction 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 November 10, 2022 Regular Meeting;
- b. Minutes from December 8, 2022 Special Meeting;
- c. Resolution Designating Meeting Notice Posting Location; and
- d. Updated Change Order No. 3 with Richdell Construction

Approve Pay App #9 with Richdell Construction Mr. Waldron reviewed Pay App #9 with the Board and discussed potential offsets against the pay app, including liquidated damages. Following discussion, upon a motion duly made and seconded, the Board unanimously approved Pay App #9 and determined not to enforce the liquidated damages provision of the contract.

Landscape Maintenance

2022 Tree Report Mr. Howey reviewed the work completed in 2022 with the Board. 90 trees were planted last season with only 3 needing to be replaced. An additional 30 trees were planted during the summer. Mr. Howey completed soil tests which showed a high PH with the need to provide additional nutrients. Mr. Howey noted that Cox Landscaping completed deadwood pruning on smaller trees. He stated that overall the trees are looking pretty good.

Consider Approval of Independent Contractor Agreement with Tree Analysis Group, LLC The Board reviewed the Independent Contractor Agreement with Tree Analysis Group, LLC. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agreement.

Consider Work Order No. 1 to Tree Analysis Group Mr. Howey reviewed his proposal with the Board for 2023. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the work order.

Independent Contractor
Agreement for 2023 Tree
Inspection and
Recommendations
Assignment

Other Landscape
Maintenance Matters

The Board engaged in discussion regarding a District tree being chopped down on District property. Mr. Howey will review the situation and determine the amount of damage. The Board also asked Mr. Howey to review and update the current recommended tree list.

**Mr. Howey left the meeting*

**Wheatlands Park and
Recreation Authority
Update**

The Board engaged in general discussion regarding the Wheatlands Park and Recreation Authority. Ms. Armitage reviewed the current membership numbers. The YMCA is planning an open house on January 28th. Ms. Armitage also updated the Board on the water damage caused by the power failure and freezing temperatures.

Capital Projects

Urban Soccer Fields

Status of Production

Ms. Armitage noted the fields are manufactured. Mr. Shultz noted that the fields have been paid in full.

Discuss Specifications for
Site Preparation and Bidding
of Site Work

Ms. Armitage noted that Elevation Consulting is completing the engineering work and drawings should be completed for review in early February. The Board inquired about the City's process. Ms. Armitage noted the City is aware of the project and the permit process should not delay the work. Ms. Armitage noted that the field work should be less than \$50,000. The Board inquired about sponsorships and Ms. Rodau will follow up with the YMCA.

**Ms. Armitage left the
meeting*

**Covenant
Enforcement/Design
Review**

Review Architectural and Covenant Enforcement Reports

Ms. Sulzle reviewed the reports with the Board.

Discuss Artificial Turf in Front Yards

Ms. Sulzle reviewed the City Code requirements with the Board. It was noted that artificial turf is not considered Xeriscape and does not qualify for City Rebates. The Board elected to leave the guidelines the way they are for now.

Financial Matters

Review Unaudited Financial Statements and Approve Payment of Claims

Mr. Shultz reviewed the Unaudited Financial Statements for the period ended November 30, 2022 and the accounts payable list with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the accounts payable list.

Other Financial Matters

The Board engaged in discussion regarding the 2022 audit. The audit will start at the end of February.

Landscape Maintenance

Review Landscape Maintenance Report and Status of Approved Work Orders

The Board reviewed the report.

Review and Consider Approval of Work Orders/Proposals

None.

Review Water Usage Tracking Report

None.

Consider Approval of Independent Contractor Agreement with Tree Analysis Group

Discussed earlier in the meeting.

Consider Work Order No. 1 to Tree Analysis Group Independent Contractor Agreement for 2023 Tree Inspection and Recommendations Assignment

Discussed earlier in the meeting.

Consider Approval of Independent Contractor Agreement with ArborScape Inc.

The Board reviewed the Independent Contractor Agreement. Following discussion, the Board determined not to approve the agreement.

Consider Work Order No. 1 to ArborScape Inc. Independent Contractor Agreement for 2023 Plant Healthcare

The Board reviewed the proposal. After discussion with Mr. Howey, the Board determined to wait on tree spraying.

Other Landscape Maintenance Matters

None.

Legal Matters

Discuss Collections and Consider Engagement of Special Counsel

Mr. Waldron reviewed proposals for collection services. Following discussion, upon a motion duly made and seconded, the Board unanimously approved Altitude Law for collection services.

Consider Proposal from SWAP for 2023 Detention Pond Inspection and Reporting

Mr. Waldron reviewed the proposal from SWAP. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.

Discuss 2023 Property and Liability Renewal

The Board reviewed the newest general liability schedule and limits. The Board determined to keep the deductibles where they currently are.

Other Legal Matters

None.

District Management

Review District Manager's Report

Ms. Rodau reviewed the management report with the Board.

Discussion Regarding Park Bathroom

The Board engaged in discussion regarding the park bathroom. The restroom froze with the deep freeze and Cox Landscaping is working with a plumber to have it repaired.

Consider Approval of Website Maintenance Proposal from Heather Sosa

The Board reviewed the proposal from Heather Sosa. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.

Update on Kitchen and Bathroom Project	The Board engaged in discussion regarding the kitchen and bathroom project. Work is set to begin on February 6 th . The work is anticipated to be completed by March 4 th .
Discuss Purchase of Pool Deck Furniture	The Board engaged in general discussion regarding the pool deck furniture.
Update on Parking Lot Resurfacing	The Board engaged in discussion regarding the parking lot resurfacing. The contract has been signed and the work will be done when the weather permits.
Other District Management Matters	The Board engaged in discussion regarding the pool management company. They will consider switching from ACS to Pool Doctor.

Capital Projects

Wheatlands Park Phase II – Discuss Grand Opening	The Board engaged in general discussion regarding the Wheatlands Park Phase II.
Urban Soccer Field	Discussed earlier in the meeting.
Status of Production	Discussed earlier in the meeting.
Discuss Specifications for Site Preparation and Bidding of Site Work	Discussed earlier in the meeting.


Director’s Items

Wheatlands Park and Recreation Authority Update	Discussed earlier in the meeting.
Review and Discuss Board Emails Received	All emails have been addressed.

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 (Feb 21, 2023 19:50 MST)

Secretary for the Meeting

The foregoing minutes were approved the 9th day of February, 2023.