

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS

OF

WHEATLANDS METROPOLITAN DISTRICT

Held: November 9, 2023 at 6:00 p.m., at the Wheatlands Clubhouse, 6601 S. Wheatlands Parkway, Aurora, Colorado and via Zoom teleconference.

**Attendance**

The 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 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; Isabell Rodau, YMCA, District Manager; Sharon Sulzle and Megan Hutchins, AMI HOA; Kevin Cox and Randy Cox, Cox Professional Landscaping Services, LLC; Bob Howey, TAG; and homeowners.

**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 a 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 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:

- Minutes from October 12, 2023 Budget Workshop and Regular Meeting;
- Claims Paid in the amount of \$408,424.28;
- Special District Disclosure Notice Pursuant to § 32-1-809, C.R.S.;
- 2023 Auditor Engagement Letter;
- Independent Contractor Agreement with Heatherly Creative for Website Management and Maintenance Services;
- Independent Contractor Agreement with YMCA for District Management Services and Clubhouse Management & Programming;
- Independent Contractor Agreement with SWAP, LLC for Storm Water Maintenance Services; and
- Independent Contractor Agreement with AMI Advance Management for Covenant Enforcement Services.

**Covenant Enforcement/Design Review**

Review Architectural Review and Covenant Enforcement Reports

Ms. Hutchins reviewed the architectural and covenant enforcement reports with the Board, noting lawn care violations have been extended to the next growing season in the spring.

**Financial Matters**

Review Unaudited Financial Statements

Mr. Shultz reviewed the unaudited financial statements with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the unaudited financial statements.

Conduct Public Hearing on 2023 Budget Amendment

Director Martin opened the public hearing on the 2023 Budget Amendment. Mr. Waldron noted that the notice of public hearing was provided in accordance with Colorado Law. No written objections were received prior to the meeting. There being no public comment, the hearing was closed.

Consider Adoption of Resolution Adopting 2023 Budget

Mr. Shultz reviewed the Resolution Amending the 2023 Budget with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution amending the General Fund to \$2,166,408 and the Park Fund to \$2,584,349.

Conduct Public Hearing on 2024 Proposed Budget

Director Martin opened the public hearing on the proposed 2024 Budget. Mr. Waldron noted that the notice of public hearing was provided in accordance with Colorado law. No written objections were received prior to the meeting. There being no public comment, the hearing was closed.

Consider Adoption of Resolution Adopting 2024 Budget

Mr. Shultz reviewed the 2024 Budget and Budget Resolution with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution adopting the 2024 Budget, appropriating funds therefor and certifying mills for the General Fund and mills for the Debt Service Fund as shown in the 2024 Budget, subject to receipt of final assessed valuation.

Discuss Operations Fee and Park and Recreation Fee Increases

As part of the 2024 budget, the Board discussed increasing the Operation Fee and Park and Recreation Fee, noting that costs have increased while the fees have not increased for 10 years.

Following discussion, upon a motion duly made and seconded, the Board unanimously approved increasing the Operations Fee to \$22.00 per month, and the Park and Recreation Fee to \$48 per month, with the fee charged to the Apartments of \$21.50.

Discuss Investment Direction

Mr. Shultz reviewed the current District investments. Following discussion, upon a motion duly made and seconded, the Board determined to keep the District investments as is.

Other Financial Matters

None.

**Landscape Maintenance**

Review Landscape Maintenance Report

Mr. K. Cox reviewed the landscape maintenance report with the Board. He noted the irrigation system has been winterized, the vacuum breakers will be painted to deter theft and they will be

looking into additional theft measures, and the first snow event of the season occurred on October 29, 2023.

Review Work Orders/Proposals

The Board reviewed proposal #14221. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.

The Board reviewed proposal #41224. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.

The Board reviewed proposal #41077 in the amount of \$41,215.60. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.

The Board reviewed proposal #41207. The Board tabled this matter until the design phase is complete.

The Board reviewed proposal #41208. The Board tabled this matter until the design phase is complete.

The Board reviewed proposal #40767 in the amount of \$13,489.68, noting this was approved at the October meeting.

The Board reviewed proposal #41140 in the amount of \$3,840.83. Following discussion, upon motion duly made and seconded, the Board unanimously approved the proposal.

Review Water Use Tracking Report

The Board reviewed the water use tracking report.

Review Proposal from Architerra for Median Design Work

The Board reviewed the proposal from Architerra for the median design work. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.

2023 Tree Report (*added*)

Mr. Howey reviewed the 2023 tree report with the Board.

Other Landscape Maintenance Matters

None.

**Legal Matters**

Consider Adoption of 2024 Annual Administrative Resolution

Mr. Waldron reviewed the 2024 Annual Administrative Resolution with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution.

Discuss and Review Insurance General Liability Schedule and Limits and Property Schedule, Consider Authorization to Bind Coverage

The Board reviewed the current general liability schedule and limits. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the general liability schedule and limits and authorized legal counsel to bind coverage, with an increase in the cyber theft and crime coverage to \$200,000 each.

Discuss 2023 Legislative Memorandum

Mr. Waldron discussed the 2023 Legislative Memorandum with the Board.

Discuss Implementation of Accessibility Standards for Individuals with a Disability for Information Technology Systems Employed by the District

Mr. Waldron discussed the implementation of Accessibility Standards for Individuals with a Disability for Information Technology Systems Employed by the District with the Board, noting the rule-making process is underway with the expected adoption of the rules in January. No action was taken.

Approval of Independent Contractor Agreement with YMCA for Pool Maintenance & Staffing Services

Mr. Waldron reviewed the Independent Contractor Agreement with the YMCA for pool maintenance and staffing services with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agreement.

Other Legal Matters

The Board discussed the size of the meeting packets. After discussion, the Board requested that only proposals be included in the meeting packet, and not the entire contract, unless there are material differences in the form of contract being used from the standard form.

## **District Management**

Review District Manager's Report

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

Review Concrete Pillars and Caps Repairs Proposals

Review Estimate from Ornelas Construction for Fence Stone Concrete Caps

The Board reviewed the estimate from Ornelas Construction for fence stone concrete caps. No action was taken.

Review Estimate from Aspen Group Services for Stone Pillar Tops

The Board reviewed the estimate from Aspen Group Services for stone pillar tops. No action was taken.

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| Review Estimate #14309 for Stone Columns Repairs from Masterful Masonry                             | The Board reviewed estimate #14309 for stone column repairs from Masterful Masonry in the amount of \$15,143.50. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.                              |
| Review Proposal from Division of Standard Lumber & Hardware Co.                                     | The Board reviewed the proposal from Division of Standard Lumber & Hardware Co. No action was taken.   |
| Review Reserve Study Proposals  |  |
| Review Proposal from Advanced Reserve Solutions, Inc.   | The Board reviewed the proposal from Advanced Reserve Solutions, Inc. No action was taken.   |
| Review Proposal from Association Reserves   | The Board reviewed the proposal from Association Reserves for 12 weeks in the amount of \$3,220 and 8 weeks in the amount of \$3,470. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the 12-week proposal. |
| Review Proposal from Aspen Reserve Specialties  | The Board reviewed the proposal from Aspen Reserve Specialties. No action was taken.   |
| Review Pool Doctor Estimates  |  |
| Review Estimate #43819 in the amount of \$20,465.74 for Activity Pool Leak                          | The Board reviewed estimate #43819 in the amount of \$20,465.74 for the activity pool leak. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.   |
| Review Estimate #43781 in the amount of \$5,181.68 for Pool Opening Maintenance Services            | The Board reviewed estimate #43781 in the amount of \$5,181.68 for pool opening maintenance services. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.   |
| Review Estimate #43780 in the amount of \$972.85 for Off Season Automation Preventative Maintenance | The Board reviewed estimate #43780 in the amount of \$972.85 for off season automation preventative maintenance. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.                              |
| Review Trees/Tree Management Proposals/Invoices   |  |

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| Review Invoice #23032 in the amount of \$8,035.00 for 2023 Tree Inspections, Planting & Pruning Management | Mr. Howey reviewed the 2023 tree inspections, planting and pruning management report with the Board. The Board reviewed invoice #23032 in the amount of \$8,035.00 for the same. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the invoice. |
| Review 2024 Tree Inspection and Recommendations Assignment Proposal with Tree Analysis Group               | The Board reviewed the 2024 tree inspection and recommendations assignment proposal from Tree Analysis Group. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.   |
| Review Emerald Ash Borer Management Plan Proposal with Tree Analysis Group                                 | The Board reviewed the emerald ash borer management plan proposal from Tree Analysis Group. Following discussion, the Board determined not to approve the proposal at this time.   |
| Discuss Cameras at Wheatlands Park   | Ms. Rodau noted she is still working on obtaining proposals for the installation of cameras at Wheatlands Park.  |
| Other Management Items   | Ms. Rodau provided an update on the proposals for plastering the pool.   |

**Capital Projects**

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| Urban Soccer Fields Update                                  | Ms. Rodau reported they are still waiting on the trim install and blockers for the soccer goals. The Board inquired whether there is a volleyball net. Ms. Rodau answered there is a volleyball net that is stored at the YMCA. |
| Proposals for Soccer Field Lighting                         |   |
| Review Proposal #404862 for Lighting and Electrical Install | Ms. Rodau reviewed proposal #404862 for lighting and electrical installation with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal.                           |

**Director's Items**

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| Wheatlands Park and Recreation Authority Update                      | None. |
| Review and Discuss Board Emails Receives (board@wheatlandsmetro.org) | None. |

Other Director Items

None.


**Other Business**

The Board determined to cancel the December meeting.

**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 (Jan 16, 2024 20:59 EST)

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Secretary for the Meeting

The foregoing minutes were approved the 11<sup>th</sup> day of January, 2024.