

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF THE

ESTANCIA METROPOLITAN DISTRICT

Held: November 19, 2019, at 10:00 A.M., at 6800 South Liverpool Street, Suite A, Aurora, Colorado.

ATTENDANCE

The meeting was held in accordance with the laws of the State of Colorado. The following directors were in attendance:

Rodney Alpert
Kevin T.K. Sullivan
Jason Dassinger

Also present were: Jennifer Gruber Tanaka, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel; Kathleen Gregory, Summit Management & Consulting, LLC, District Manager; and Lynn Schwartz and Charles Gardner; residents and members of the public.

ADMINISTRATIVE MATTERS

Call to Order

The meeting was called to order.

Declaration of Quorum and Confirmation of Director Qualifications

Ms. Tanaka noted that a quorum for the Board was present and that the directors had confirmed their qualification to serve.

Reaffirmation of Disclosures of Potential or Existing Conflicts of Interest

Ms. Tanaka advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Tanaka reported that disclosures for those directors with 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. Ms. Tanaka noted that a quorum was present and 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 Board determined that the participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Approval of Agenda

Ms. Tanaka presented the Board with the proposed agenda for the meeting. Upon motion of Mr. Alpert, seconded by Mr. Sullivan, the Board unanimously approved the agenda as presented.

Excusal of Absences

The Board noted the absences of Ms. Bransfield and Mr. H. Alpert. Upon motion of Mr. Alpert, seconded by Mr. Sullivan, the Board unanimously excused their absences.

PUBLIC COMMENT

Ms. Schwartz noted that builders are installing signs saying one product is being built but are then building a different product. Mr. H. Alpert was able to get these signed removed but they are an issue. Ms. Schwartz noted that people are using builders who are not listed on the approved builder list. Further, homes are being built which do not meet the design criteria for the area. She questioned how approvals are being granted as they seem to be inconsistent. Mr. Dassinger noted that the change in the architectural review company may be part of the issue. Ms. Gregory noted that her office receives the requests for approvals and coordinates with Sterling Design for review and approval and the committee then approves. The Board inquired into who comprises the committee. Ms. Gregory noted she believes it is Sterling Design but is not sure who else is on the committee. Ms. Schwartz and the Board expressed frustration with builders not on the approved list being used and the design criteria not being met. If a new builder will be used they can be considered to be added to the approved list but until they are approved they should not be used. The Board expressed a desire to know what changes are being considered and approved. The Board requested that each Board member and Ms. Schwartz receive copies of the requests for review. The Board also requested that 2 Board members be appointed to the Committee for review and approvals. The Board wants to ensure the Committee is meeting the expectations and requirements to ensure that approvals are being made. Upon motion of Mr. Dassinger, seconded by Mr. Alpert, the Board unanimously appointed Mr. Dassinger and Mr. Sullivan to the Architectural Review Committee. The Committee will meet with Sterling Design to discuss expectations.

CONSENT AGENDA

Upon motion of Mr. Alpert, seconded by Mr. Sullivan, the Board unanimously took the following actions:

- a. Approval of Minutes from October 3, 2018 Special Meeting
- b. Adoption of Resolution No. 2019-11-01: Annual Administrative Resolution
- c. Adoption of Resolution No. 2019-11-02: Calling Election
- d. Adoption of Resolution No. 2019-11-03: Establishing

Guidelines for the Processing and Collection of Delinquent Fees and Charges

- e. Approval of Eleventh Amendment to Funding and Reimbursement Agreement with Estancia 80, LLC and Issuance of Promissory Note to Estancia 80, LLC
- f. Ratification and Approval of Payment of Claims (October 4, 2018 – October 9, 2019) (\$42,630.59)
- g. Ratification and Approval of Payment of Operations Claims (October 4, 2018 – October 29, 2019) (\$53,084.02)
- h. Approval of Payment of Additional Claims (\$3,795.52)
- i. Acceptance of Unaudited Financial Statements as of September 30, 2019
- j. Approval of Independent Contractor Agreement with Colorado Sign, Design & Print for Holiday Lights (\$864)
- k. Approval of Independent Contractor Agreement with Keesen Landscape Management for Snow Removal Services for 2019-2020 Winter Season
- l. Approval of Independent Contractor Agreement with Keesen Landscape Management for Landscape Maintenance Services for 2020
- m. Approval of First Addendum to Independent Contractor Agreement with Keesen for Landscape Maintenance Services for Plant Health Care (\$878.36)
- n. Approval and Renewal of Consultant Agreements for 2020 Services (no changes in scope or fees):
 - a. Summit Management & Consulting Services, LLC for District Management Services
 - b. Simmons & Wheeler, P.C. for Accounting Services
 - c. WHITE BEAR ANKELE TANAKA & WALDRON, Attorneys at Law, for General Counsel Services
 - d. Todd Companies, Inc., for Septic System Inspection and Reporting Services
 - e. Church Onsite Wastewater Consultants for Onsite Wastewater Treatment Engineering Services
 - f. Sterling Design Associates for Architectural Design Review Services

FINANCIAL MATTERS

Conduct Public Hearing on 2020 Budget and Adoption

Mr. R. Alpert opened the public hearing on the District's 2020 budget. Ms. Tanaka reported that the public hearing was

of Resolution No. 2019-11-04: Adopting Budget, Imposing Mill Levy and Appropriating Funds

published in accordance with Colorado law. Ms. Tanaka reviewed the draft budget for the year 2020 with the Board. Ms. Tanaka noted that no developer advances are anticipated for 2020 for operations and the proposed mill levy has been Gallagherized pursuant to Colorado law but otherwise remains the same. Ms. Tanaka also noted that there is no proposed increase in fees.

The Board noted a desire to have more detail in the line items within the budget so that various expenses can be easily identified and explained. Specifically, the Board would like to have holiday lights, water, electric, and snow removal on separate line items. The Board would also like to know which expenses get booked to the administrative line item and recreation. Ms. Tanaka will follow up with Mr. Simmons regarding these changes.

There being no other comments or questions, Mr. R. Alpert closed the public hearing.

The Board considered the adoption of Resolution No. 2019-11-04: Adopting Budget, Imposing Mill Levy and Appropriating Funds. Upon motion of Mr. Alpert, seconded by Mr. Dassinger, the Board unanimously adopted Resolution No. 2019-11-04: Adopting Budget, Imposing Mill Levy and Appropriating Funds, as revised.

LEGAL MATTERS

Discuss Electronic Posting for Meeting Notices, Discuss District Website for Same and Consider Adoption of Resolution No. 2019-11-05: Concerning Online Notice of Regular and Special Meetings

Ms. Tanaka updated the Board with regarding to new legislation that became effective as of August 2, 2019, which allows districts to post notices of meetings electronically on a district-dedicated website. Upon motion of Mr. Dassinger, seconded by Mr. Sullivan, the Board unanimously adopted Resolution No 2019-11-05: Regarding Electronic Posting of Meeting Notices and directed Ms. Gregory to remove all passcodes required for the District's current website.

COVENANT ENFORCEMENT AND COLLECTIONS MATTERS

General Update from Manager

Ms. Gregory reported that Keesen confirmed that the electrical box on the property is for the City's traffic signal. An option that Keesen presented is for the District to bore under the road to bring electricity to the location for the holiday lights. This would take approximately 3 months to complete and would cost

approximately \$7,500. The Board requested that Ms. Gregory obtain a proposal for the total cost of installing a pedestal for future use. The Board also inquired into whether utilities were sleeved in the area when the development was originally constructed. Ms. Gregory will follow up on these matters.

Discuss Status of Collection Accounts Ms. Tanaka reported that her office currently has 6 files opened totaling \$9,832.25 in outstanding balances. For 2019, \$2,080 has been collected to date.

**LANDSCAPE
COMMITTEE
MATTERS**

None.

**DISTRICT MANAGER
MATTERS**

General Update

None.

Status of Security Cameras

The Board noted that the pricing was so high for these that it is a cost-prohibitive option at this time. Further, the logistics are not ideal for the installation of cameras at this time. The Board will revisit this in the future.

Status of Installation of Mail Kiosk

The Board noted that the costs of installation are very high. Ms. Tanaka reported that she has a contractor who builds mail kiosks in another district she represents from whom she can request a proposal. The Board requested that Ms. Tanaka obtain a proposal.

For this year, the Board will have ice melt available at the kiosk for homeowners to use with ice. Ms. Tanaka also noted that the snow removal issues should be addressed with Keesen to ensure this is resolved going forward.

OTHER BUSINESS

Next Meeting Date

The next regular meeting is scheduled for October 14, 2020, at 1:00 P.M.

ADJOURNMENT

There being no further business to be conducted, the meeting was adjourned.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.


Rodney Alpert (Aug 7, 2020 12:21 MDT)

Secretary for the Meeting