

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF THE

ESTANCIA METROPOLITAN DISTRICT

Held: October 14, 2020, at 1:00 P.M.

Due to Executive Orders issued by Governor Polis and Public Health Orders implementing the Executive Orders, issued by the Colorado Department of Public Health and Environment, and the threat posed by the COVID-19 coronavirus, the meeting was held via teleconference.

**ATTENDANCE**

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

Harvey 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; Ashley Frisbie, White Bear Ankele Tanaka & Waldron, District Manager; John Simmons, Simmons & Wheeler, P.C., District Accountant; and Lynn Schwartz; resident and member of the public.

**ADMINISTRATIVE MATTERS**

Call to Order

The meeting was called to order.

Declaration of Quorum and Confirmation of Director Qualifications

Ms. Frisbie 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. Frisbie advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Frisbie reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest, if any, 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. Frisbie 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.

Approval of Agenda

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

Excusal of Absences

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

**PUBLIC COMMENT**

There was no public comment.

**CONSENT AGENDA**

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

- a. Approved Minutes from August 3, 2020 Special Meeting
- b. Adopted Resolution No. 2020-10-01: Annual Administrative Resolution
- c. Approved Twelfth Amendment to Funding and Reimbursement Agreement with Estancia 80, LLC and Issuance of Promissory Note to Estancia 80, LLC
- d. Ratified Payment of Operations Claims (November 1, 2019 – August 14, 2020) (\$34,010.91)
- e. Accepted Unaudited Financial Statements as of August 31, 2020
- f. Ratified Addendum No. 1 to Independent Contractor Agreement with Rocky Mountain Sign Design & Print, LLC for 2020 Holiday Lights (\$816)
- g. Ratified Addendum No. 2 to Independent Contractor Agreement with Rocky Mountain Sign Design & Print, LLC for Additional Garland (\$159.90)
- h. Approved Independent Contractor Agreement with Keesen Landscape Management for Snow Removal Services for 2020-2021 Winter Season
- i. Approved Independent Contractor Agreement with Keesen Landscape Management for Landscape Maintenance Services for 2021
- j. Approved First Addendum to Independent Contractor Agreement with Keesen for Landscape Maintenance Services

for Plant Health Care (\$960.50)

k. Approved and Renewed Consultant Agreements for 2021 Services:

- i. Simmons & Wheeler, P.C. for Accounting Services
- ii. WHITE BEAR ANKELE TANAKA & WALDRON, Attorneys at Law, for General Counsel and Management Services
- iii. Todd Companies, Inc., for Septic System Inspection and Reporting Services
- iv. Church Onsite Wastewater Consultants, LLC for Onsite Wastewater Treatment Engineering Services
- v. Sterling Design Associates, LLC for Architectural Design Review Services

## **FINANCIAL MATTERS**

Conduct Public Hearing on 2021 Budget and Adoption of Resolution No. 2020-10-02: Adopting Budget, Imposing Mill Levy and Appropriating Funds

Mr. H. Alpert opened the public hearing on the 2021 budget. Ms. Frisbie reported that notice of the hearing was provided in accordance with Colorado law and no objections were received prior to the hearing. Mr. Simmons reviewed the 2021 budget with the Board, noting that there are no proposed changes to the mill levy or fees from the prior year. There being no public comment, Mr. H. Alpert closed the public hearing.

Upon motion of Mr. Dassinger, seconded by Mr. Sullivan, the Board unanimously adopted Resolution No. 2020-10-02: Adopting Budget, Imposing Mill Levy and Appropriating Funds, with changes as discussed.

## **LEGAL MATTERS**

There were no legal matters.

## **DISTRICT MANAGEMENT MATTERS**

General Update

Ms. Frisbie reviewed her Management Report with the Board, noting that she has been working with Summit Management & Consulting on the final transition of management services.

The Board discussed the trees along E. Arapahoe Road that had been installed during 2019. It was noted that some of the trees had appeared to die shortly after installation and need to be replaced. Following discussion, the Board directed Ms. Frisbie to see if any of the trees were under warranty from the original installation when they died.

Composition of Design Review Committee

It was noted that Mr. H. Alpert, Mr. Dassinger, and Sterling Design Associates, LLC comprise the Design Review Committee.

Owner Appeal to Design Review Committee (“DRC”) Response for Exterior Home Improvements for Account Number 22710036

Ms. Frisbie informed the Board that an owner appeal had been received for Account Number 22710036. The owner had submitted an application and detailed plan specifications to the District for the installation of exterior home improvements, to which the DRC issued a response letter indicating that the plans were not approved as presented. It was noted that the District’s Community Design Standards do not have specific requirements for such requested improvements, and the owner confirmed that the installation of such exterior home improvements would not alter the current drainage on the lot and that all improvements will conform to the District’s Community Design Standards and all requirements of the City of Centennial (the “City”).

Upon motion of Mr. Sullivan, seconded by Mr. H. Alpert, the Board unanimously approved the application and plans for the exterior home improvements for Account Number 22710036. Mr. Dassinger abstained from voting on this matter due to a conflict of interest.

Xpress Bill Pay to Electronically Process Operations Fee

Ms. Frisbie presented the Board with a proposal from Xpress Bill Pay to provide an electronic process for collection of the semi-annual operations fee, noting that this is a cost-effective and convenient way to collect the operations fee from owners.

Upon motion of Mr. Dassinger, seconded by Mr. Sullivan, the Board unanimously approved the proposal from Xpress Bill Pay to provide an electronic process for collection of the operations fee.

District Website

The Board discussed the District’s website. Ms. Frisbie recommended that the Board consider development of a new website, noting that Summit Management & Consulting has offered to allow the District to keep the current website active until a new website has been set up. Ms. Frisbie reported that the District can utilize a third party website development company or the Statewide Internet Portal Authority (“SIPA”), a free website platform offered by the State of Colorado; however, other districts seem to have been experiencing a significant wait time while utilizing SIPA. Mr. Sullivan noted that he will look at other options for website development. No action was taken by the Board at this time.

Painting of Community Mailboxes

Ms. Frisbie reported that Summit Management & Consulting had previously obtained a proposal from Harpster Maintenance Services Inc. for painting of the community mailboxes, and inquired if the Board would like to pursue the matter.

Following discussion, the Board determined not to proceed with painting of the community mailboxes at this time.

Installation of Mail Kiosk Structure

Ms. Frisbie reported that Summit Management & Consulting had previously obtained proposals from Pure Choice Construction and Buddy Holley Contracting Services for installation of a mailbox kiosk structure, and inquired if the Board would like to pursue this matter.

Following discussion, the Board directed Ms. Frisbie to obtain an additional proposal for further review. The Board also requested that Keesen visit the mailbox kiosk more often after snow events, as snow gets pushed up by the mailbox kiosk after street plowing occurs.

**COVENANT ENFORCEMENT AND COLLECTIONS MATTERS**

General Update from Manager

Ms. Frisbie provided a general update on covenant enforcement matters, noting that there are 29 completed homes, with 4 lots under construction. Ms. Frisbie reported that several homes have minor landscaping violations, with only a few homes having major landscaping or covenant violations.

Ms. Frisbie reported that there are 7 accounts currently past due on payment of the semi-annual operations fee, totaling \$6,150.00.

Status of Collection Accounts

Ms. Tanaka reported that her office currently has 2 open collection files, totaling \$9,259.25 in outstanding balances.

**OTHER BUSINESS**

The Board discussed the cracks in the road throughout the community, noting that the City is responsible for maintenance of the streets. It was noted that the City may be more responsive to citizen complaints, rather than a complaint from the District.

Next Regular Meeting

The next regular meeting is scheduled for October 13, 2021, 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.

*Kevin T.K. Sullivan*

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Secretary for the Meeting