

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS

OF THE

ESTANCIA METROPOLITAN DISTRICT

Held: Wednesday, October 12, 2022, at 1:00 P.M.

*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:

Jason Dassinger  
Rodney Alpert  
Paul Andrade  
Harvey Alpert (*for a portion*)  
Richard Giardina

Also present were: Audrey G. Johnson, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District General Counsel; Ashley B. Frisbie, WHITE BEAR ANKELE TANAKA & WALDRON, District Manager; Kimberly Johannis and John Simmons, Simmons & Wheeler, PC, District Accountant (*for a portion*); and Dan Penry, resident.

**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. R. Alpert, seconded by Mr. Dassinger, the Board unanimously approved the agenda as presented.

**PUBLIC COMMENT**

There was no public comment.

**CONSENT AGENDA**

The Board was presented with the consent agenda items. The Board requested that items c. and f. be moved to the regular agenda. Upon motion of Mr. Giardina, seconded by Mr. Dassinger, the Board unanimously took the following actions:

- a. Approved Minutes from June 28, 2022 Special Meeting
- b. Ratified Payment of Claims as of October 12, 2022 (\$33,367.03)
- c. Moved to Regular Agenda
- d. Adopted Resolution No. 2022-10-01: Resolution of Board of Directors Calling Election
- e. Approved Fourteenth Amendment to Funding and Reimbursement Agreement with Estancia 80, LLC and Issuance of Promissory Note to Estancia 80, LLC
- f. Moved to Regular Agenda
- g. Approved Independent Contractor Agreement with Keesen Landscape Management, Inc. (“Keesen”) for Landscape Maintenance Services for 2023
- h. Approved Addendum No. 1 to Independent Contractor Agreement with Keesen for 2023 Landscape Maintenance Services for Plant Health Care (\$1,095.88)
- i. Approved Addendum No. 2 to Independent Contractor Agreement with Keesen for 2023 Landscape Maintenance Services for Detention Pond Cleanout and Native Mowing (\$6,955)
- j. Approved Addendum No. 3 to Independent Contractor Agreement with Keesen for 2023 Landscape Maintenance Services for Tree Removal and Replacement (\$2,160)
- k. Approved Contract with Heatherly Creative, LLC for Ongoing Website Maintenance Services

- I. Approved and Renewed Consultant Agreements for 2023 Services (no changes in scope or fees):
  - i. Simmons & Wheeler, P.C. for Accounting Services
  - ii. WHITE BEAR ANKELE TANAKA & WALDRON, Attorneys at Law, for General Counsel and Management Services
  - iii. Seipp Enterprises, Inc., d/b/a High Plains Sanitation Services, for On-Site Wastewater Treatment System Inspection and Pumping Services
  - iv. Church Onsite Wastewater Consultants, LLC for Onsite Wastewater Treatment Engineering Services
  - v. Sterling Design Associates, LLC for Architectural Design Review Services
  - vi. Waste Management of Colorado for Trash Removal Services

## FINANCIAL MATTERS

Acceptance of Unaudited Financial Statements as of June 30, 2022 (*moved from consent agenda*)

Mr. Simmons presented the June 30, 2022 Unaudited Financial Statements to the Board for consideration. Following discussion, upon a motion made by Mr. Dassinger, seconded by Mr. Giardina, the Board unanimously accepted the unaudited financial statements.

Conduct Public Hearing on 2023 Budget and Adoption of Resolution No. 2022-10-02: Adopting Budget, Imposing Mill Levy and Appropriating Funds

The public hearing on the proposed 2023 Budget was opened. Ms. Frisbie noted that the notice of public hearing was provided in accordance with Colorado law. No written objections have been received prior to the meeting. There being no public comment, the hearing was closed.

Mr. Simmons reviewed the 2023 Budget with the Board. Following discussion, upon a motion made by Mr. Giardina, seconded by Mr. Dassinger, the Board unanimously adopted Resolution No. 2022-10-02 adopting the 2023 Budget, appropriating funds therefor and certifying 9.108 mills for the General Fund and 47.820 mills for the Debt Service Fund as shown in the 2023 Budget, subject to receipt of final assessed valuation.

Discuss Financial Forecast

Mr. Simmons discussed options for preparing an updated financial forecast, as related to the District's Limited Tax General Obligation Bonds, Series 2009 with the Board. Following discussion, the Board determined to defer this matter.

**DISTRICT  
MANAGEMENT  
MATTERS**

General Update

Ms. Frisbie reviewed her Management Report with the Board.

Approval of Independent Contractor Agreement with Keesen for Snow Removal Services for 2022-2023 Winter Season (*moved from consent agenda*)

Ms. Frisbie reviewed the proposal from Keesen for snow removal services for the 2022-2023 winter season with the Board. The Board requested that Ms. Frisbie ensure the mailbox area is specifically noted in the exhibit, with a 2-inch trigger. Following discussion, upon a motion made by Mr. Dassinger, seconded by Mr. Giardina, the Board unanimously approved the proposal and agreement.

Adoption of Resolution No. 2022-10-03: Annual Administrative Resolution

Ms. Frisbie presented Resolution No. 2022-10-03: Annual Administrative Resolution to the Board for consideration. Following discussion, upon a motion made by Mr. Giardina, seconded by Mr. Dassinger, the Board unanimously adopted the resolution.

Discuss Regular Meeting Date and Location

Following discussion, the Board determined to hold the 2023 regular meeting on October 11, 2023 via teleconference, as presented.

Consider Approval of Independent Contractor Agreement with Denver Christmas Light Installers, LLC for Holiday Lighting Services

Ms. Frisbie presented the proposal from Denver Christmas Light Installers, LLC for holiday lighting services to the Board. Mr. Dassinger provided the Board with background on the District's history with holiday light installation. Following discussion, upon a motion made by Mr. Giardina, seconded by Mr. Dassinger, the Board unanimously approved the proposal with the one-year contract and pricing. The Board directed Ms. Frisbie to request that the contractor hold this year's pricing for next year.

Discuss Amendments to Community Design Standards

Ms. Frisbie discussed the proposed amendments to the Community Design Standards with the Board. Following discussion, the Board directed staff to work on and incorporate the changes discussed for Board approval once available. No action was taken.

Discuss Neighborhood Security

Ms. Frisbie discussed multiple options for neighborhood security with the Board, including patrol by the Arapahoe County Sheriff's Office. Mr. Andrade indicated that the sheriff's office may provide additional patrols around the holidays upon request, rather than through a contract and fee. Mr. Andrade indicated that he will reach out to the sheriff's office to inquire.

The Board inquired about the installation of No Solicitation signs on District property. Ms. Johnson noted that neighboring communities that have these types of signs may have a homeowners association, which are private entities; however, the District is a public governmental entity and utilizing these signs creates concerns under the First Amendment to the U.S. Constitution.

The Board discussed the possibility of adding a gate at the community entrance. Following discussion, the Board directed staff to inquire what options may be available.

## **LEGAL MATTERS**

### **Legislative Update**

Ms. Johnson presented a Memorandum prepared by White Bear Ankele Tanaka & Waldron outlining an overview of 2022 legislation affecting special districts, municipalities, and community associations.

### **Status of Collection Accounts**

Ms. Frisbie provided the Board with an update on the collection accounts, noting that there are two accounts with foreclosure counsel, totaling approximately \$5,123.75.

## **OTHER BUSINESS**

### **Next Regular Meeting**

The next regular meeting is scheduled for October 11, 2023, at 1:00 P.M.

### **Other**

Mr. Giardina inquired about the development/builder signs at the community entrance. Following discussion, the Board directed Ms. Frisbie to notify the developer that the signs need to be removed now that there are no more developer-owned lots.

## **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.

*Paul Andrade*

Paul Andrade (Aug 1, 2023 11:21 MDT)

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Secretary for the Meeting