

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS

OF THE

ESTANCIA METROPOLITAN DISTRICT

Held: Wednesday, July 24, 2024, at 1:00 P.M. 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  
Paul Andrade  
Richard Giardina

Also present were: Audrey G. Johnson, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, District General Counsel; Ashley B. Frisbie and Dan Cordova (*for a portion*), WHITE BEAR ANKELE TANAKA & WALDRON, District Manager; Kimberly Johanns, Simmons & Wheeler, PC, District Accountant; Kim Seipp and Lisa Nicoll, High Plains Sanitation Services (*for a portion*); and Marty Easter and staff, Arapahoe County Public Health (*for a portion*).

**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. Andrade, the Board unanimously approved the agenda, as amended.

**PUBLIC COMMENT**

None.

**CONSENT AGENDA**

Ms. Frisbie reviewed the items on the consent agenda with the Board. Upon motion of Mr. Giardina, seconded by Mr. Dassinger, the Board unanimously took the following actions:

- a. Approved Minutes from November 8, 2023 Special Meeting
- b. Ratified Payment of Claims as of July 24, 2024 (\$106,184.57)
- c. Ratified Engagement of Bill Flynn CPA to Perform the 2023 Audit
- d. Ratified Master Services Agreement and Addendum with Flock Group, Inc. for License Plate Recognition Cameras
- e. Ratified Addendum No. 4 to Independent Contractor Agreement with Keesen Landscape Management, Inc. (“Keesen”) for 2024 Landscape Maintenance Services for Noxious Weed Mitigation (\$804.63)

**PRESENTATION**

Presentation by High Plains Sanitation Services and Arapahoe County on Onsite Wastewater Treatment System Maintenance Access Issues

Ms. Seipp provided a presentation on onsite wastewater treatment system maintenance access issues, noting that there are multiple properties that have access issues because of landscaping obstructions, distance, and sloping. The Board discussed options to remedy the access issues with High Plains Sanitation Services. Ms. Seipp noted that she will provide a list of the access issues for each of the properties and a proposed solution for each.

**DISTRICT  
MANAGEMENT  
MATTERS**

General Update

Ms. Frisbie presented her Management Report and provided a general update to the Board.

Acknowledge Resignation of Director Rodney Alpert

The Board acknowledged the resignation of Director Rodney Alpert and his years of service on the Board.

Consider Election of Officers

Ms. Frisbie reported the Board is required to have a President, a Treasurer, and a Secretary, which Secretary position is not required to be a member of the Board. The Board engaged in general

discussion regarding the Election of Officers. Following discussion, upon motion of Mr. Dassinger, seconded by Mr. Andrade, the Board unanimously elected Director Dassinger as President, Director Andrade as Secretary, and Director Giardina as Treasurer.

Discuss Composition of Design Review Committee

The Board engaged in general discussion regarding the composition of the Design Review Committee (the “Committee”). Ms. Johnson recommended that the Committee not be comprised of a quorum of the Board, to ensure open meeting laws are not violated. The Board discussed options and determined to keep the Committee as currently appointed; however, separate email communications will be sent so that no dialogue occurs. The Board also directed staff to reach out to a property owner who previously indicated interest in joining the Board to see if they are still interested.

Discuss Weed Control Expectations

Mr. Andrade noted that individual homeowners may be experiencing difficulty with weed control this season. No action was taken by the Board.

Consider Approval of Proposal from Keesen for Weed Mitigation on Remaining Native Tracts

Ms. Frisbie presented the Board with a proposal from Keesen for weed mitigation on the District’s remaining native tracts. Following discussion, upon motion of Mr. Dassinger, seconded by Mr. Andrade, the Board unanimously approved the proposal in the amount of \$1,203.25, subject to confirmation that all remaining District tracts will be treated.

Discuss Maintenance of Brick Wall along Arapahoe Road

Ms. Frisbie informed the Board that there appears to be some areas of the wall along Arapahoe Road that are sinking and may require some repair work. Mr. Dassinger noted that it is a prefabricated brick wall. Following discussion, upon motion of Mr. Dassinger, seconded by Mr. Andrade, the Board directed staff to obtain a proposal from an engineer to assess the wall.

Consider Approval of Proposal from Keesen for Landscape Enhancements along Arapahoe Road

Ms. Frisbie presented the Board with a proposal from Keesen for landscape enhancements along Arapahoe Road, noting that there is quite a bit of dead and missing plant material along the Arapahoe Road wall. Following discussion, the Board directed staff to have costs on the proposal broken down by line item for individual consideration and to include a map showing where the plant material is anticipated. This item was deferred.

Consider Approval of Proposal for Holiday Lighting Services

Ms. Frisbie presented the Board with proposals for holiday lighting services. Following discussion, upon motion of Mr. Dassinger,

seconded by Mr. Andrade, the Board unanimously approved the proposal from 1<sup>st</sup> Class Glass, LLC, in the amount of \$1,800.

Consider Approval of Agreement with Waste Management of Colorado, Inc. for Trash and Recycling Services

Mr. Cordova presented the Board with the agreement from Waste Management of Colorado, Inc. for trash and recycling services. Following discussion, upon motion of Mr. Dassinger, seconded by Mr. Giardina, the Board unanimously approved the agreement, subject to yearly appropriation by the Board.

## **FINANCIAL MATTERS**

Consider Acceptance of 2023 Audit and Consider Approval of Client Representation Letter

Ms. Johans informed the Board that a filing extension has been submitted to the state, which will extend the filing deadline to September 30<sup>th</sup>. Ms. Johans reviewed the 2023 Audit with the Board. Following discussion, upon motion of Mr. Dassinger, seconded by Mr. Giardina, the Board unanimously accepted the 2023 Audit, subject to finalization and legal review, and approved the Client Representation Letter.

Acceptance of March 31, 2024 Unaudited Financial Statements (*added*)

Ms. Johans presented the March 31, 2024 Unaudited Financial Statements to the Board. Following discussion, upon motion of Mr. Giardina, seconded by Mr. Andrade, the Board unanimously accepted the Unaudited Financial Statements, subject to correction of the bond information on the summary page.

## **LEGAL MATTERS**

Discuss Website Accessibility and Document Remediation

Ms. Johnson presented the Board with the website accessibility and document remediation requirements. Following discussion, upon motion of Mr. Dassinger, seconded by Mr. Giardina, the Board unanimously determined to engage Heatherly Creative, LLC for website accessibility and remediation services.

Consider Adoption of Resolution No. 2024-07-01: Adopting a Digital Accessibility Policy

Ms. Johnson presented the Board with the Resolution Adopting a Digital Accessibility Policy. Following discussion, upon motion of Mr. Dassinger, seconded by Mr. Andrade, the Board unanimously adopted the resolution.

Ms. Johnson discussed document remediation requirements with the Board. Following discussion, the Board directed staff to have a proposal available at the October meeting.

Update on Status of Collection Accounts

Ms. Frisbie provided an update on the status of the collection accounts, noting there are currently four accounts with special counsel.

## **OTHER BUSINESS**

None.

**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 (Oct 24, 2024 11:48 MDT)

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Secretary for the Meeting