

RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF THE

STERLING HILLS WEST METROPOLITAN DISTRICT

Held: Thursday, September 12, 2019, at 6:30 p.m. at the
Balterra Clubhouse, 2654 South Danube Place, Aurora,
Colorado 80013.

Attendance:

A special meeting of the Board of Directors of the Sterling Hills West Metropolitan District was scheduled in compliance with the laws of the State of Colorado, with the following directors in attendance:

Juliet Uhlott, President
Michael Lenz, Treasurer
Alberteen Ransom, Assistant Secretary
CJ Matthews, Assistant Secretary
Thomas Markus

Also present were:

Jennifer L. Ivey, Icenogle Seaver Pogue, P.C.
Ted Laves, Colorado Special District Management
and Operations
Wayne Lorenz, Andrew Earles, and Anna Campbell,
Wright Water Engineers, Inc.
Chris Doyle, Doyle Construction, Inc.

1. Call to Order/ Declaration
of Quorum:

Director Uhlott, noting the presence of a quorum, called to order the special meeting of the Board of Directors (the "Board") of the Sterling Hills West Metropolitan District (the "District") at approximately 6:30 p.m.

2. Conflicts of Interest:

Ms. Ivey advised the Board that pursuant to Colorado law, certain disclosures by the Board members may be required prior to taking official action at the meeting. The Board then reviewed the agenda for the meeting, following which each Board member confirmed the contents of any written disclosure previously made, stating the fact and summary nature of any matters, as required under Colorado law, to

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permit official action to be taken at the meeting.

3. Approval of/Additions
to/Deletions from Agenda:

Director Matthews stated that the Board directed that the meeting packets needed to be distributed to the Board the Friday prior to the meeting. Director Uhlott responded that there was no packet to be distributed because there is only the agenda. Director Matthews stated that the agenda was not received until Saturday and that the public had access to the Agenda on the website before it was provided to the Board. Director Matthews also stated that she wanted to discuss protocol and how the District Engineer was removed from the project by the District Manager without Board direction. Director Uhlott noted that was an internal Wright Water Engineers, Inc. matter and that tonight's meeting is for the sole purpose of discussing the Detention Pond remediation project.

After review and discussion, upon the motion of Director Uhlott and second of Director Lenz, the Board approved the agenda as presented on a 4-1 vote with Director Matthews voting in opposition to the motion. Directors Markus and Ransom stated that the issues related to the meeting packet distribution and protocols could wait until the November meeting.

4. Public Comment for
Matters Not on Agenda:

None.

5. Review of Detention Pond
Renovation Project:

Mr. Lorenz introduced the Wright Water Engineers, Inc. team and their respective roles in serving the District. Director Matthews inquired who had requested that Mr. Lorenz be replaced as the lead engineer on this project. Mr. Earles stated that Mr. Lorenz is still the lead engineer on this project, that he and Mr. Lorenz have worked together on several projects and he is excited to join this team. Mr. Lorenz reviewed his involvement with the District which began when he was brought in during 2017 after the City performed an inspection of the Detention Pond and also because development was moving forward on the parcel at Sterling Hills Parkway and East Villanova Place (then designated as Filing No. 14 and now designated as Filing 9). Development required certifying the Detention Pond for use but Wright Water Engineers, Inc. could not do so because the

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construction of the Detention Pond did not meet its design criteria; particularly with regard to the outlet structure. The developer subsequently abandoned his project but Wright Water Engineers, Inc.'s scope of work then changed to a yearlong study of the reasons for excess water levels in the pond. Later, an RFP was issued to remove vegetation and accumulated sediment from the pond ("Clearing") in the hopes that doing so would improve conditions in the pond. Wright Water Engineers then worked with Doyle Construction on accomplishing this task. However as Clearing progressed, it became clear that more significant drainage work would be required first. It was therefore agreed that excavating and other related work should stop until a proper engineering design could be completed and approved by the City of Aurora.

In terms of paying for work on the pond, Mr. Lorenz noted that he had consistently recommended that the District obtain financial assistance from the developer of Filing 9. Ms. Ivey noted that her firm had prepared a memorandum regarding the Detention Pond legal options and possible remedies in May 2018 and, at the request of Director Matthews, stated that she would re-send this to the Board:

Mr. Earles noted that remediation needs to occur regardless of any future developer plans and that the planned development is estimated to add only 0.2 acre feet of additional run off, the pond, which once restored to its design capacity, will be able to handle Filing 9 development.

This comment led to a discussion during which it was noted that the District's negotiating leverage with a developer would be limited because a developer could simply decide not to proceed while the District would continue to have an obligation to remediate the pond.

Messrs. Lorenz and Earles and Ms. Campbell distributed and reviewed a presentation entitled "Sterling Hills Filing No. 9 Extended Dry Detention Basin, Design and Performance Issues & Plan for Improvements".

Wright Water Engineers stated that the pond had not been performing properly because:

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- Shallow bedrock in the basin of the pond limited downward permeation of ground water out of the pond
- High elevation of the water table in the area is causing almost continuous groundwater flows into the pond. As a result, the pond has become a bog that almost never dries out with a variety of negative consequences.
- Poorly designed outlet structure
- Lack of mechanisms to capture debris to facilitate timely removal.

The recommendations at this time include:

- Creating a ~3 foot micropool that will catch debris and which will allow water to percolate up behind the screen after which it will exit through the orifice plate. The micropool will be cleanable by the landscaping firm;
- Implementing a two-stage drainage design in which small amounts of precipitation will exit from the micropool up through the orifice plate (stage one drainage) while larger amounts of precipitation will accumulate in the pond as a stormwater buffer and then drain down over a longer period of time (stage two drainage);
- Building three forebays at the inlets to trap debris that can be regularly removed by the landscape maintenance company;
- Constructing perimeter drains around the entire pond edge to capture and divert ground water before it can accumulate in the pond.
- Installing underdrains in the basin of the pond that will connect to the perimeter drain and serve to further divert ground water towards the exit works for drainage through a new drain pipe;
- Bore under the XCEL embankment for the new drain pipe which will continually drain ground water into Aurora's manhole on the far side of the embankment. It was noted that the perimeter and underdrains will only drain ground water and will not handle storm water. Detention ponds are not intended to handle

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ground water which will now be diverted away from the pond.

- Replacing the two existing concrete swales and adding a third concrete swale to lead surface water to the outlet structure. The new swales will be wider than the existing swales
- Redesigning and rebuilding the outlet structure with proper wing supports, a new debris rack and cleanable screening in front of the orifice plate.
- Adding proper railings to improve safety.

This project will require a stormwater permit from the City of Aurora as well as stormwater and de-watering permits from the State Engineer. After Wright Water Engineers completes its preliminary design, Mr. Earles plans to hold a preliminary informal meeting with Craig Perl, P.E. and Senior Public Works Engineer at the City of Aurora to obtain input on Wright Water Engineers' plans.

Wright Water Engineers anticipates that the current Detention Pond can be remediated to become functional but not aesthetic. The pond will not be park-like and will require ongoing regular maintenance by a landscaping vendor. Wright Water Engineers suggested the District engage a landscape architect to help improve the appearance of the remediated pond.

Mr. Earles expects engineering design work to be completed and approved by Aurora by December or January after which construction will commence.

Mr. Earles stated that this project will require fencing off the pond during construction for safety and security reasons.

The cost projections for the project are as follows:

- \$27,200 design fee;
- ~\$13,000 consultation during construction;
- ~\$5,000 as-built drawings;
- \$5,000 - \$10,000 stormwater and discharge permit;
- \$5,000 - \$10,000 landscape architect for planting plan; and
- \$400,000 - \$500,000 construction.

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Total, assuming maximum cost projections, is \$565,200.

Potential phasing of the project was discussed, and it was stated that the forebays would be the easiest to leave for a separate phase but that other separating the work into phases may result in some redundancies and additional costs.

Mr. Earles stated that this is a non-jurisdictional pond and that Wright Water Engineers, Inc. could provide a letter to that effect for a fee.

Messrs. Doyle, Lorenz, and Earles and Ms. Campbell departed the meeting at this time.

After review and discussion, upon the motion of Director Matthews and second of Director Markus, the Board unanimously approved an amendment to Wright Water Engineers, Inc.'s contract in an amount not-to-exceed \$48,000 to include the design fee, consultation during construction, wetland to upland letter, as-built drawings, and stormwater and discharge permit.

After review and discussion, upon the motion of Director Matthews and second of Director Uhlott, the Board unanimously approved an amendment to Doyle Construction, Inc.'s contract to remove landscaping and irrigation and to add procuring and installing French drains for the purpose of de-watering and increasing the total not-to-exceed compensation to \$80,000. This amount includes reimbursement for the specialty piping which Doyle Construction purchased for the District which will be used in Phase II of the pond project.

Director Uhlott noted that she regularly meets with Mr. Laves to provide him with direction on managing the District and that she has invited other Board members to join her at these meeting subject to restrictions in the Colorado Open Meetings Act. To date, no other Directors have joined her but she hopes that will happen. She further stated that she had asked Mr. Laves to contact Wright Water Engineers to complain about the lack of adequate progress and that Mr. Laves had acted upon her direction.

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6. Adjourn:

There being no further business to come before the Board, upon motion of Director Uhlott, second of Director Lenz and unanimous vote, the meeting was adjourned at 9:21 p.m.



Secretary of the Meeting