

RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF THE

STERLING HILLS WEST METROPOLITAN DISTRICT

Held: Thursday, January 9, 2020, 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, Secretary
CJ Matthews, Assistant Secretary (*via telephone*)

Also present were:

Jennifer L. Ivey, Icenogle Seaver Pogue, P.C.
Ted Laves, Colorado Special District Management
and Operations
Andrew Earles, Ph.D., P.E., Wright Water Engineers,
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 permit official action to be taken at the meeting.

RECORD OF PROCEEDINGS

3. Approval of/Additions to/Deletions from Agenda: After review and discussion, upon the motion of Director Ransom and second of Director Lenz, the Board approved the agenda as presented.
4. Public Comment for Matters Not on Agenda: None.
5. Review of Detention Pond Renovation Project Request for Proposal Contract Documents/Insurance Requirements: Mr. Earles reviewed with the Board the Detention Pond Renovation Project Request for Proposal Contract Documents and the proposed schedule for bidding and construction.
- Director Matthews stated that it is her preference that all bids that are received be date stamped, left sealed, and forwarded to Wright Water Engineers, Inc. (WWE). The Board and Messrs. Laves and Earles agreed to this process.
- Director Matthews stated that it is her preference that Mr. Earles make all the calls to check references. The Board and Messrs. Laves and Earles agreed to this process to insure consistency.
- Director Matthews requested a deadline be inserted into the Pond Remediation Contract for the submittal of invoices to the District. After discussion, the Board directed Ms. Ivey to insert a deadline for invoices to be submitted by the 20th day of the month.
- Mr. Earles reviewed the Detailed Plans and answered questions from the Board.
- Mr. Earles discussed with the Board the staging area that is identified in the parking lot of the Sterling Hills Townhomes.
- Mr. Laves and Ms. Ivey explained that the City of Aurora has minimum insurance requirements which include \$2,000,000 of excess liability coverage, which the District currently does not carry. After review and discussion, upon the motion of Director Matthews and second of Director Lenz, the Board unanimously approved binding \$2,000,000 in excess liability coverage from the Colorado Special District Property and Liability Insurance Pool at a cost of \$570.00 per year.

RECORD OF PROCEEDINGS

Mr. Earles reviewed with the Board the Stormwater Facility Inspection and Maintenance Plan. Upon inquiry from Ms. Matthews, Mr. Earles explained that WWE had proposed revisions to the section that requires the District to regulate activities of District residents outside of the District's scope of control. Director Matthews noted that Appendix A to the Stormwater Facility Inspection and Maintenance Plan mistakenly shows Filing No. 12. Mr. Earles said he would correct this mistake.

Upon inquiry from Director Lenz, Mr. Earles explained that neither the City nor Urban Drainage will accept this Detention Pond for maintenance due to the issues with initial design. Mr. Earles noted that this was discussed with the City as part of the review discussion.

Director Matthews requested that the Contractor provide the District with certificates of insurance for all subcontractors, if any, prior to commencement of work.

Director Matthews stated that she does not agree with the Owner's Representative having delegated authority related to Change Orders. Ms. Ivey and Mr. Laves reviewed with the Board Section 9.01 of the General Conditions which states "The Owner's Representative, by Change Order only, after consultation with the Engineer and advisement to the Owner, may, at any time or from time to time, order additions, deletions, or revisions in the Work which are consistent with the overall intent of the Contract Documents and that do not change the Contract Time by more than 30 days and/or change the Compensation by more than 10%."

After further discussion and review, upon the motion of Director Uhlott and second of Director Ransom, the Board approved on a vote of 3-1 (with Directors Matthews voting against the motion) putting the contract out to bid using the Contract Documents as revised and directed Mr. Earles to send the Bid Package to all contractors that request it, Doyle Construction, Inc., the contractors that Director Matthews recommended to WWE, and any other contractors that WWE recommends.

RECORD OF PROCEEDINGS

Directors Uhlott and Matthews may attend the pre-bid meeting, but no other board members will attend to avoid violating the Colorado Open Meetings Law. The Board will hold a special meeting on February 20, 2020 at 6:30 p.m. to consider the bids that are received and the Engineer's recommendation.

Director Uhlott and Mr. Earles noted the importance of utilizing the proper channels of communication for matters relating to the project.

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 8:25 p.m.

allan v. Ransom 6/14/2020
Secretary of the Meeting

(meeting minutes 1/9/2020)