

RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF THE

STERLING HILLS WEST METROPOLITAN DISTRICT

Held: Thursday, August 13, 2020, at 6:30 p.m. via Zoom Online Meeting at <https://bit.ly/30zpmvl> or by phone at 346-248-7799 [Meeting ID 941620] due to the closure of the regularly scheduled meeting location, the Balterra Clubhouse, 2654 South Danube Place, Aurora, Colorado 80013 and because of the State of Emergency declared by Governor Polis, as amended and extended; the Ninth Amended Public Health Order 20-28; the Safer at Home and in the Vast, Great Outdoors Executive Order D 2020 091, as amended and extended; and CDC recommendations against gathering in large groups in order to mitigate the spread of the COVID-19 virus.

Notices advising members of the public of the login URL and call in-number to join the meeting were posted on the District's website and at the District's regular posting locations.

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 (*via zoom/telephone*)
Michael Lenz, Treasurer (*via zoom/telephone*)
Alberteem Ransom, Secretary (*via zoom/telephone*)
CJ Matthews, Asst. Secretary (*via zoom/telephone*)
Christine Hatter, Director (*via zoom/telephone*)

Also present were:

Jennifer L. Ivey, Icenogle Seaver Pogue, P.C. (*via zoom/telephone*); Edward W. (Ted) Laves, Colorado Special District Management and Operations (*via zoom/telephone*); Andrew Earles, Wright Water Engineers, Inc. (*via*

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zoom/telephone); Debra Sedgeley, CliftonLarsonAllen LLP (*via zoom/telephone*); and the following members of the public: Lashawn Love and Monica Wilkerson.

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. Director Matters:
Disclosure Matters &
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.

3. Approval of/Additions
to/ Deletions from
Agenda: There were no changes to the agenda as presented.

4. Public Comment for
Matters Not on
Agenda: None.

5. Approval of Meeting
Minutes: After review and discussion, upon the motion of Director Matthews and second of Director Ransom, the Board approved the minutes of the May 14, 2020 special meeting of the Board of Directors as presented.

After review and discussion, upon the motion of Director Matthews and second of Director Lenz, the Board approved the minutes of the June 18, 2020 special meeting of the Board of Directors as presented.

6. Financial Matters:
Financial Report and
Payment of Claims: Ms. Sedgeley reviewed the June 30, 2020 financial statements, the schedule of cash position, interim claims represented by Check Numbers 1233 through 1248 and two Electronic Funds Transfers to the City of Aurora, which total \$51,940.32 (Check Number 1245 was sent to the wrong address and voided; it was reissued as Check Number 1255) and current claims represented by Check Numbers 1249 through 1257 and one Electronic Funds Transfer to the City of Aurora which total \$29,809.04.

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After review and discussion, upon the motion of Director Lenz and second of Director Ransom, the Board unanimously accepted the June 30, 2020 financial statements and the schedule of cash position, approved the current claims as presented, and ratified the interim claims as presented.

Ms. Sedgeley noted that there are rumors that assessed valuations may be lower for the 2021 budget cycle. She also noted that budget preparations for 2021 may be more difficult because some counties, due to the COVID-19 emergency, have approved delaying the sending out of the preliminary assessed valuations notices until October 13, 2020.

7. District Manager's Report

Mr. Laves discussed with the Board his District Manager's Report which was included in the meeting packet, the following items were discussed in detail:

a. Detention Pond Status Update:

In response to a question from Director Matthews, Dr. Earles explained that the Discharge Monitoring Report ("DMR") for the Detention Pond that is now being e-filed results from the District having received a discharge permit in support of the Pond's renovation. Pond renovations have yet to begin so that at present nothing is being discharged but because the permit has been issued, a monthly report is required. Once construction begins the contractor, Edge Construction, will be contractually responsible for accurately monitoring discharges in support of the month filings.

i. Xcel License Agreement:

Mr. Laves stated that this item will be discussed in detail under legal matters but that the District's liability insurance needs to be increased by \$1,000,000 to comply with the agreement.

After review and discussion, upon the motion of Director Matthews and second of Director Lenz, the Board approved increasing the District's excess liability coverage to \$3,000,000 at a cost of \$240.00 in order to comply with the requirements of the License Agreement.

b. Recent Maintenance on the District's Three Public Parks:

Mr. Laves reviewed with the Board the information in the meeting packet about recent maintenance on the District's three public parks that has caused some cost overruns for maintenance including replacing the broken irrigation booster pump in Red Park; moving the pavilion downspout away from the basketball court in Red Park; replacing a vandalized basketball pole cover;

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- replacing some vandalized court tiles and correctly mounting a basketball hoop, all in Red Park.
- c. Keesen Management Change: Mr. Laves reported that Mike Genders has left Keesen Landscape Management, Inc. and Wesley Cox will now be responsible for managing the District's landscaping work for Keesen.
- d. Dead Trees Removal: Mr. Laves discussed with the Board SavATree's proposal to remove seven dead trees within the District. After review and discussion, upon the motion of Director Matthews and second of Director Lenz, the Board unanimously approved removal of up to 25 dead trees at an approximate cost of \$100.00 per tree with a total cost not-to-exceed \$2,500.00
- e. Resident Request for Plantings (Barrier) between Green Park and their Home: Mr. Laves discussed with the Board the request of the Wilkersons, who live at 2519 S Bahama Way in Aurora, for re-planting the barrier between Green Park and their home to replace vegetation that had been removed. The proposal included in the meeting packet from Keesen Landscape Management, Inc. to clean-up the beds, add purple lilacs, serviceberry and upright junipers totaled \$9,125.00. Directors Hatter and Matthews stated that the proposal was very high given that the District has budgetary constraints and thought that a nice hedge might be an appropriate alternative. Ms. Wilkerson described the landscaping that was removed and requested that a similar leafy bush be replanted at a low cost to the District. Director Matthews suggested a small fence and a hedge. She further noted that any plantings would need to wait for Spring because planting during the heat of the summer or in autumn was not recommended. Director Lenz noted that by the playground at Green Park there is a small 3-foot vinyl fence that the District could try to match. Director Matthews agreed and suggested a white or beige vinyl fence. After further review and discussion, upon the motion of Director Matthews and second of Director Ransom, the Board unanimously approved: (i) installing a vinyl fence at a cost not-to-exceed \$2,000.00; (ii) Directors Matthews and Lenz to review the bids; and (iii) Mr. Laves to bring proposals for planting next season to the next regular meeting on November 12, 2020.
- f. Developer Status Update: Mr. Laves provided to the Board an update regarding development in the District. The undeveloped land behind the Townhomes has been sold in a tax sale and has a new owner. Staff has no information on the new owner's intentions. The lot being developed by AMH in Filing No. 5 is proceeding forward but Ms. Courtney is no longer with AMH.

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- g. Website Update: Mr. Laves provided an update to the Board regarding the District Website being migrated to Drupal 8.
8. Legal Matters: Dr. Earles provided a status update on the Detention Pond project. The License Agreement with the City of Aurora has been approved by Aurora's staff but final approval from the City of Aurora is on hold pending completion of the Xcel License Agreement. The Xcel License Agreement is needed to extend the new underdrain under Xcel's embankment to the City's stormwater manhole which is located on the south side of the embankment. The Xcel License Agreement will also provide the missing legal basis for the existing pond drainage line that already runs under the embankment. Dr. Earles noted that once the Xcel Agreement is completed, work on the pond would begin in October or if agreeable to Edge as early as September. Given this year's dryness, starting earlier could reduce problems associated with water in the pond.
- a. Consider Approval of Pond Related Xcel License Agreement: Ms. Ivey discussed with the Board the License Agreement from Xcel related to the improvements for the Detention Pond project and her recommendation that to keep the project on schedule, the District only focus on a few critical items. After review and discussion, upon the motion of Director Matthews and second of Director Ransom, the Board unanimously approved the License Agreement subject to revisions acceptable to Ms. Ivey and Dr. Earles.
9. Other Matters: None.
10. Adjourn: There being no further business to come before the Board, upon motion of Director Matthews, second of Director Ransom and majority vote, the meeting was adjourned at 8:08 p.m.

DocuSigned by:

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Secretary of the Meeting