

RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF THE

STERLING HILLS WEST METROPOLITAN DISTRICT

Held: Thursday, May 13, 2021, at 6:30 p.m. via Zoom Online Meeting at <https://bit.ly/3h3DS7b> or by telephone conference Dial-In Number: 1-346-248-7799; Meeting ID: 912 7497 4770, Passcode: 708545 in order to preserve the health, safety, and welfare of the public in light of the imminent threat caused by the COVID-19 pandemic and due to the state of emergency declared by Governor Polis, as amended and extended, corresponding executive orders and public health orders, 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 location.

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.

The following directors were in attendance:

Michael Lenz, Treasurer (*via zoom/telephone conference*)
CJ Matthews, Asst. Secretary (*via zoom/telephone conference*)
Juliet Uhlott, President (*via zoom/telephone conference*)
Alberteen Ransom, Secretary (*via zoom/telephone conference*)

The following directors were absent (*absence excused*):

Christine Hatter, Asst. Secretary

Also present were:

Jennifer L. Ivey, Icenogle Seaver Pogue, P.C. (*via zoom/telephone conference*); Edward W. (Ted) Laves, Colorado Special District Management and Operations (*via zoom/telephone conference*); Debra Sedgely, CliftonLarsonAllen LLP (*via zoom/telephone*)

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conference); and Andrew Earles, Wright Water Engineers, Inc. (*via zoom/telephone conference*).

1. Call to Order /
Declaration or Quorum: Director Uhlott called the meeting to order noting the presence of a quorum, 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. Approval of/Additions
to/Deletions from
Agenda: After review and discussion, upon the motion of Director Matthews and second of Director Lenz, the Board unanimously approved the agenda with the addition of Item 7.b. for Change Orders.
 3. Director 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.
 4. Public Comment for
Matters Not on Agenda: None.
 5. Detention Pond Project -
Update on Pond
Reconstruction
Project Status: Dr. Earles reviewed the May 7, 2021 memorandum regarding the status of the project. In particular he noted the weather delay days due to the unusually wet spring season. Dr. Earles also reviewed the reason for the change orders that will be consider at this meeting, which includes among other things, additional safety features such as guardrails and a full grate. Mr. Laves noted that the District will apply to the Special District Property and Liability Pool for reimbursement for some of the safety features that are eligible for New Safety and Loss Prevention Grant Allocations. The Board requested that Dr. Earles provide a letter to the City of Aurora regarding the proper installation and removal of the grate.
- Consider Ratification
of Pond Remediation
Project Irrigation and
Landscape Contract Ms. Ivey reviewed with the Board the Pond Remediation Project Irrigation and Landscape Contract with Western States Reclamation, Inc. Ms. Ivey explained that this contract incorporated all of the previously approved irrigation installations

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with Western States Reclamation, Inc.:

and the landscape installation into one contract. This also changed the total dollar amount. Ms. Ivey further explained that a few other changes in scope were needed, based on the soil results having come back since the last District meeting, and a portion of the clearing and grubbing being completed by Edge Contracting, Inc. Finally, Western States Reclamation, Inc. had not included the public payment/performance/warranty bond in the cost they previously provided. At the February 25, 2021 meeting the Board approved \$33,370 for the irrigation work and at the March 18, 2021 meeting the Board approved \$87,853.25 for the landscape work for a total of \$121,223.35. The total contract with the CAD work added and other minor changes is now \$127,284.36. After review and discussion, upon the motion of Director Matthews and second of Director Lenz, the Board unanimously ratified the Pond Remediation Project Irrigation and Landscape Contract with Western States Reclamation, Inc.

Change Orders:

Mr. Laves reviewed with the Board the following proposed Change Orders/Amendments:

- Change Order No. 5 to the Detention Pond Improvement Project Contract with Edge Contracting, Inc. in the amount of \$23,707.66.
- Proposed Compensation Amendment to Landscape Services Contract with Stream Design, LLC for an additional not-to-exceed compensation of \$7,570.00.
- Proposed Compensation Amendment to Pond Remediation Project Irrigation and Landscape Contract with Western States Reclamation, Inc. for an additional \$2,975.54.

Ms. Sedgeley reviewed the District's current expenditures versus budget and remaining budget for the Pond Remediation Project. Following review, Ms. Sedgeley stated that the District is able to approve the above-described items and still have an approximate \$120,000 cushion in the budget.

After review and discussion, upon the motion of Director Matthews and second of Director Lenz, the Board unanimously approved the above-described Change Orders/Amendments.

Dr. Earles departed the meeting at this time.

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6. Approval of Meeting

Minutes -

March 18, 2021

Special Meeting:

After review and discussion, upon the motion of Director Matthews and second of Director Lenz, and unanimous vote the Board approved the minutes of the March 18, 2021 special meeting of the Board of Directors as presented.

Director Ransom joined the meeting at this time.

7. Financial Matters -

Financial Report/
Ratification/Payment
of Claims:

Ms. Sedgeley reviewed the March 31, 2021 financial statements, December 31, 2020 schedule of cash position which was updated through May 7, 2021, interim claims from April totaling \$129,672.34 and current claims from May totaling \$120,979.59 paid through bill.com. After review and discussion, upon the motion of Director Matthews and second of Director Lenz, the Board accepted the March 31, 2021 financial statements, schedule of cash position, and ratified the interim claims and current claims as presented in the total amount of \$250,651.93.

2020 Audit:

Ms. Sedgeley reported that the 2020 Audit is unchanged from the draft that was presented at the March 18, 2021 Board meeting, minus minor formatting revisions. The auditor has given an unmodified opinion on the 2020 Audit. After review and discussion, upon the motion of Director Lenz and second of Director Matthews, the Board accepted the 2020 Audit and directed its filing with the Office of the State Auditor.

8. 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:

Park Lights Repairs:

The Board discussed the replacement of Bollard Lights to ensure that these continue to be operational for safety of users. After review and discussion, upon the motion of Director Matthews and second of Director Uhlot, the Board authorized Mr. Laves to spend up to an additional \$5,000.00 for bollard light replacement. The Board directed Mr. Laves to review past work that has been completed to ensure that unnecessary expenses are not being incurred.

9. Legal Matters -

Ms. Ivey provided the Board with an update regarding pending legislation related to special districts.

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Consider Adoption of Resolution Designating an Official Custodian and Custodian for the Colorado Open Records Act: Ms. Ivey reviewed with the Board A Resolution Designating an Official Custodian for Purposes of the Colorado Open Records Act, Sections 24-72-200.1 *et seq.*, C.R.S. and proposed rules to be adopted by the Official Custodian. After review and discussion, upon the motion of Director Matthews and second of Director Lenz, the Board unanimously approved the Resolution.

Official Custodian Adoption of Rules Related to Requests for Inspection of Public Records Pursuant to Colorado Open Records Act: The Official Custodian approved the Rules Related to Requests for Inspection of Public Records Pursuant to the Colorado Open Records Act, Sections 24-72-200.1 *et seq.*, C.R.S.

10. Other Business: None.

11. Adjournment: 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 7:42 P.M.

DocuSigned by:

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Secretary of the Meeting