

# RECORD OF PROCEEDINGS

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## MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF THE

STERLING HILLS WEST METROPOLITAN DISTRICT

Held: Thursday, September 15, 2022, at 6:30 p.m., via video conference at <https://us06web.zoom.us/j/89149499404?pwd=MG1qSFI4dGZ0L1FZDc2UVVOb084QT09> and via telephone conference at Dial-In Number: 346-248-7799; Meeting ID: 891 4949 9404, Passcode: 652162. 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:

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

The following director was absent:

Christine Hatter, Assistant Secretary

Also present were:

Jennifer L. Ivey, Icenogle Seaver Pogue, P.C.; Edward W. (Ted) Laves, Colorado Special District Management and Operations; Debra Sedgeley, CliftonLarsonAllen LLP; and Andrew Earles, Wright Water Engineers, Inc. (WWE) and the following members of the public: Barb Flowers.

1. Call to Order /

Declaration or 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 6:35 P.M.

2. Approval of/Additions

After review and discussion, upon the motion of Director Ransom, Minutes of the Special Meeting of the Board of Directors of Sterling Hills West Metropolitan District September 15, 2022

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to/Deletions from  
Agenda:

second by Director Uhlott, the Board unanimously approved the agenda, with Legal Matters and Financial Matters tabled for consideration at the District's next meeting.

### 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:

Ms. Flowers inquired about the addition of the word "metro" to the monumentation signage. Director Uhlott stated that this was to clarify which entity owns and maintains the monuments.

### 5. Review Detention Pond Situation and Consider Approval of Options for Additional Work:

Dr. Earles discussed the status of the Detention Pond Remediation as follows:

#### 1. What have we done and where are we?

- Designed and constructed to applicable criteria and standards
- After construction the Detention Pond was preliminarily approved by the City of Aurora

#### 2. What is happening with vegetation?

- Not part of WWE's scope of services or specialty
- Not happening as quickly as desired
- Streamline and Western States Reclamation are qualified contractors and should be relied upon to get this work done
- Colorado is a semi-arid environment and therefore it typically takes 2-3 years to establish vegetation
- Very wet Spring and Summer
- Water sitting in the Detention Pond is part of the design and should take time to drain
- Outlet screen plugging up has contributed to the issues due to (1) deficiencies in original design of Detention Pond (including undersized) and (2) vegetation not being established yet
- The outlet screen was not being adequately maintained through the Spring and Summer by Western States

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Reclamation which contributed to water sitting in the Detention Pond and vegetation not being able to establish

### 3. What is the solution?

- Plants should be replanted under warranty
- Outlet screen should not be modified at this time
- Implement pumping to drain the Detention Pond more quickly, which can be done under the existing permit
- Outlet screen should be cleaned any time there is 0.10 inches of rain.
- Trickle channel should be cleaned for sediment
- Routine stormwater inspections need to be continued to keep Detention Pond in compliance

Dr. Earles also discussed WWE's commitment to this Detention Pond project and the amount of time that WWE has donated to this Detention Pond project over the course of its engagement. Dr. Earles requested that the Board consider paying WWE for the adaptive management and inspection work it has completed over the last few months.

Dr. Earles stated that WWE's scope of work was to restore the Detention Pond to the volumes in the original design in order to bring it into compliance with the MS4 Permit. Dr. Earles explained that in order to increase the volume to an adequate level for the water shed the adjacent townhomes and the XCEL power station would have to be removed so the pond's area could be expanded.

Director Matthews stated that the City of Aurora needs to allow modifications which are cost-effective for the District such as (1) adding additional screens and/or fencing (2) maintenance by the Townhomes of the stormwater swales that in her opinion are contributing debris to the Detention Pond and (3) having property owners upstream manage stormwater to remove trash and construction debris. Mr. Laves will discuss potential solutions and enforcement with the Sterling Hills Condos and the City of Aurora.

Director Lenz noted that the homeowners and contractors that are mowing lawns in the District are not capturing grass clippings and those grass clippings may be contributing to problems with the Detention Pond drainage.

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Mr. Laves noted that the City of Aurora has approved installation of trash nets on the output wall side of the forebays which would help relieve trash on the outlet screens.

After review and discussion, upon motion of Director Matthews, second by Director Lenz, and unanimous vote, the Board of Directors: (1) approved spending an amount not-to-exceed \$25,000.00 for the installation of the trash nets and authorized Mr. Laves to enter into contracts for the necessary work for the materials and installation related thereto; (2) directed Mr. Laves to contact the Sterling Hills Condominium Association, Inc.'s Manager \ to put them on notice that they need to clean the stormwater swales that contribute to the District's Detention Ponds; and (3) directed Mr. Laves and Ms. Ivey to negotiate and prepare an amendment to the contract with Parkside Landscape Services LLC to provide for regular maintenance and cleaning of the outlet screens.

*Dr. Earles departed the meeting at this time.*

After review and discussion, upon motion of Director Uhlott, second by Director Matthews, and unanimous vote, the Board of Directors approved Mr. Laves and Ms. Ivey preparing a contract amendment with WWE to pay up to \$3,720.75 for work performed to date that is beyond the scope of what was previously approved by the Board. Upon motion of Director Matthews, second by Director Ransom, and unanimous vote, the Board of Directors approved Mr. Laves and Ms. Ivey preparing a contract amendment with WWE to complete City of Aurora required inspections on the Detention Pond through the end of the year in an amount not-to-exceed \$5,500.00. Mr. Laves and Director Uhlott will coordinate to solicit proposals from other firms to complete the inspections on the Detention Pond for presentation to the Board at its November 10, 2022 meeting.

6. Financial Matters: Consideration of claims and financial reports were tabled for consideration at the District's next Board meeting.
- Ms. Sedgeley discussed with the Board the preparation of the District's draft 2023 budget and reported on the changes in the assessed valuation and actual valuation in the District. The Board directed Ms. Sedgeley to present several mill levy scenarios which show the same mill levies as 2022, the mill levies necessary to remain revenue neutral with 2022, and a half-way in between levy.

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7. 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:
- Review Vandalism of a Red Park Basketball Court and Consider Approval of Options: Mr. Laves reviewed with the Board the vandalism of the Red Park's larger basketball court's tiles. After review and discussion, upon motion of Director Matthews, second by Director Ransom, and unanimous vote, the Board of Directors approved a contract with Royal One Services LLC in an amount not-to-exceed \$650.00 for removal of and hauling away of the basketball court tiles.
8. Legal Matters: None.
9. Other Business: None.
10. 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 8:15 p.m.