

## **EAGLE BEND METROPOLITAN DISTRICT NO. 2**

**<http://www.eaglebendmetro.com>**

Heritage Eagle Bend Clubhouse

23155 E. Heritage Parkway

Aurora, Colorado 80016

**Date: April 28, 2010**

### **MINUTES**

#### **I. Call to Order**

The meeting was called to order at 10:01 am by Director Coker. In attendance were Directors: Coker, Arellano, Geiger, Meyer, Rexroat and Audrey Davie.

#### **II. Declaration of Quorum/Director Qualifications/Disclosure of Conflicts**

Director Coker declared a quorum of the Board and that all Directors have confirmed their qualification to serve. Director Coker reminded the Board that he serves on the Eagle Bend Homeowners Association Board (Note: Term is up by the end of the week), is a member of the Aurora Citizens Advisory Budget Committee, and is a liaison to Arapahoe County for the City of Aurora (COA). Should voting be conducted today regarding HEB HOA issues, Director Coker stated he would abstain from voting. Director Meyer is the Environmental & Sustainability Coordinator for COA in the Planning Department. Director Arellano serves as a Delegate with HEB. Director Rexroat is a member of the HEB Golf Committee. Director Geiger serves on several mountain area boards. All disclosures have been filed with the appropriate entities by legal counsel.

#### **III. Approval of Agenda**

Director Meyer made a motion to approve the April 28, 2010 agenda as presented with the addition of two items: **1.)** Director Coker's information from the City regarding pot holes, and **2.)** Discussion of the CSD Pool Safety & Loss Prevention Grant Program. Director Geiger seconded the motion. The motion was unanimously approved.

#### **IV. Approval of Minutes**

##### **A. Date: March 24, 2010**

Director Geiger made a motion to approve the March 24, 2010 minutes. The motion was seconded by Director Rexroat. The motion was unanimously approved.

#### **V. Financials**

##### **A. Payables**

John Simmons, Board Accountant, was introduced. Director Geiger made a motion to approve the payables with check numbers #1439-1452 and check #1438 was approved for ratification. Director Coker seconded the motion. The motion was unanimously approved.

##### **B. Quarterly Report**

Mr. Simmons presented the Financial Statements dated March 31, 2010. Mr. Simmons reviewed each fund. He stated the General Fund and Debt Service Fund have "healthy balances". The Water Enterprise Fund has \$1 million+ but expenses will accrue as spring and summer approach. The wi-fi system can have its own expenditure line item per Mr. Simmons should the Board decide to do so. This year's election costs were minimal thus saving the district over \$20,000.00. Taxes, bonds and rates were discussed. In conclusion, the bonds can't be called until 2013. Director Geiger stated, "It is not necessarily in the best interest to accelerate the selling of the bonds for a 75 year old retiree." Director Geiger made a motion to accept the Quarterly Report with a second by Director Rexroat. The motion was unanimously approved.

## **B. Quarterly Report continued**

Each Director was given a draft of the audit. Mr. Simmons suggested a review of the audit be held in May therefore allowing each Director time to study the audit. The audit must be filed by June 30, 2010. Director Coker asked Mr. Simmons how the Metro District compares to other entities he works with. Overall, Mr. Simmons stated that the Metro District has “good healthy reserves” noting some entities are currently not able to make payments on their debts. Director Rexroat asked whether the Districts’ water rates were comparable. Mr. Simmons cited Aurora Aqua and Stonegate as charging much higher prices for their water and that the HEB HOA needs to be aware of the low price they are being charged.

## **VI. Business**

### **A. Approve Consulting Agreement for Water Consultant, Scott Lehman**

Director Rexroat reviewed the installation of the technical software at the wells which will allow the District to monitor the wells and lake 24/7. He stated that a trained specialist was needed to oversee the installation and the monitoring therefore Mr. Lehman will be contracted to do so. Mr. Lehman will be paid on an hourly basis until May; there after a monthly fee goes into effect until December 2010 as the Agreement is for one year only. All were reminded that the District paid \$3000 per month last year to the HEB HOA to perform the same services; thus the new contract will save the District and residents tens of thousands of dollars. Director Geiger made motion to approve the Consulting Agreement for Scott Lehman. Director Rexroat seconded the motion. Director Coker abstained from voting. Director Arellano praised Mr. Lehman for his technical knowledge and his communication and follow through with all parties involved.

The current condition of the water probes located in the HEB HOA pump house was discussed. It was concluded that since the probes are duct taped it is most likely that water levels are not accurately being calibrated. A specific meter to monitor the water level in the pond does not exist. Per Mr. Lehman, “the crew is operating blind.” Bruce Simner, HEB HOA Vice President, stated that he wants to work with the Metro District and having a joint meeting with HEB General Manger Jeff Powles would be a step in the right direction.

A lengthy discussion was held regarding a water issue which occurred the week prior and involved the HEB HOA. Director Rexroat and Mr. Lehman relayed the events: **1.)** the HEB HOA was initially given 200,000 gallons/day; **2.)** the HOA requested an increase thus 300,000 gallons/day was allotted; **3.)** upon analysis 400,000 gallons/day was actually being used; **4.)** it rained for several days thus causing the water to “spill over”; **5.)** HEB HOA Management made comments regarding nonpayment for the “spilled water”. A conversation ensued about charges with Mr. Lehman stating that the water rates are based on the HEB HOA and Metro District working together. Director Coker reminded all that the 2010 Water Rates and Service letter to the HEB HOA stipulates that the HOA is responsible for deciding and formally requesting how much water they will use. The Metro District’s responsibility is to supply them with their request. Should the HEB HOA request additional water as they did last week and it happens to rain it is still the HOA’s responsibility to pay for all the water they’ve requested. The installation of the technical software and wi-fi system will calibrate and record all water transactions. The Directors then reviewed the 2010 Water Rates and Service letter and several changes were requested. Audrey Davie was charged with making such changes.

### **B. Update regarding Water Operations Manual**

The manual will be finished next week. Director Meyer will email photos to Mr. Lehman to use on the cover.

### **C. Update on Wi-Fi Installation**

Brownhill Engineering will complete the installation by next week. A final decision regarding the location of the antennae will be forth coming. The cost of the transmitter will be less than \$1000 per Mr. Lehman.

### **D. Update on Landscaping and Center Median Projects**

Mr. Levine of, TerraCare Associates, gave a summary regarding the landscape projects. **Project #1:** Aurora Parkway from Gartrell to Addison. The design is almost complete and will be submitted to the city for approval. Mr. Levine is seeking bids from companies who can bore under the road for the 1” tap near Safeway. He stated there is a need to separate the system from the HOA Filing 9 loop system. Mr. Levine

#### **D. Update on Landscaping and Center Median Projects continued**

gave a technical explanation of how to tap into the clock, the PVC sleeves, and the toner in order to trace the valve wires which could possibly save the District and residents additional money. Mr. Levine will present a more detailed cost analysis to the Board in May. A resident asked how this system would affect the submeters. Mr. Levine reported that the water is not currently coming from loop system to the island/median therefore nothing will be disturbed.

#### **Project #2: HEB HOA Landscaping Project**

This project was reviewed by Director Arellano and Lee Ruterbories, HEB HOA Facilities Chairperson. It was noted that Dennis Lumley, HOA Facilities & Ground Committee Member, will also be working with Mr. Ruterbories and Director Arellano. Director Arellano stated how pleased is to be working with Mr. Ruterbories and Mr. Lumley. This is a joint cost sharing project between the Metro District and the HEB HOA; therefore let it be known that Mr. Ruterbories gave a \$3000 check to Mr. Levine to pay 1/2 of landscaping design cost. The Metro District will pay the remaining \$3000. Mr. Ruterbories stated that he formed an Ad Hoc Committee to work on the agreement and he recommends the wording be changed to show that each entity is responsible for 1/2 of the costs. Daniel Levine, HEB HOA representatives (above), Director Arellano, and the landscaping engineer walked the project so that all involved would know the scope of the work to be done. Mr. Levine will work with the HEB HOA reps to select the plants and layout. When this is completed the project will come back to the District. It was noted by Director Coker and Mr. Ruterbories that some members of the HEB HOA Finance Committee and a few residents are opposed to the project due to their lack of understanding regarding the Operating and Reserve Funds. The overall project is expected to cost over \$100,000.00 and the Metro District is willing to pay 1/2 of the costs so why this is not advantageous is not apparent.

#### **E. Approve Landscaping Contract with Creekside**

The team is currently wrapping up the City's requirements. The cost of the project which includes the area from South Aurora Parkway to Irish Drive is approximately \$118,050.00. This project is projected to receive a \$25,000.00 rebate (max allowed). See Minutes from March for more detail.

Mr. D. Levine with TerraCare is ready to plant the remaining materials (200 plants, 1 tree) near Safeway when the weather warms up. Director Coker stated the goal is to make this area a show case for the community. The installation of taxonomy/botany markers will be investigated.

Director Meyer reminded the group of last week's thunder storm and the water problem it created on Gartrell. He took photos to document the situation. The police were dispatched to divert automobiles from going through this area. Director Arellano was charged with calling Mr. Johnson at the City regarding this situation. Director Meyer agreed to send his photos to Director Arellano which would provide visuals for the City. Concerning a different road issue, Director Coker stated some residents are complaining about the impaired "line of sight" when coming out of Heritage and/or Phillips onto Gartrell. Mr. Levine reported the bushes in this location are pruned twice a year. Director Coker charged Mr. Levine and Director Arellano to review the landscaping in these two areas.

#### **F. Approve Dog Run Contract with Ridgeview**

Director Arellano asked the Board to approve the amount of \$16,240.00 for the project. Director Arellano stated he wants to meet with Ridgeview's Management Team and contractor before any work is begun. Ridgeview personnel have signed the agreement however; the Metro District has not and will not do so until the meeting is held. Director Coker stated the District was offered Conservation Trust Fund money from the City's Park and Recreation Department IF the Metro agreed to be responsible for the maintenance of the dog park. The Board did not agree to take on the responsibility of the maintenance of the dog park thus not receive the trust fund monies. Director Coker made motion to approve the Dog Run Contract with Ridgeview. The motion was seconded by Director Rexroat. The motion was unanimously approved. It was asked whether this could be a cost sharing project with Director Coker stating that this window had already closed.

### **G. CSD Pool Safety & Loss Prevention Grant Program**

Director Meyer was charged with investigating this particular grant program (see email from Legal Counsel) with a report of his findings presented at next month's meeting

### **H. Water Rate Resolution**

Director Geiger made motion to approve the Water Rate Resolution with a second by Director Meyer. The motion was unanimously approved. See Minutes from March 2010.

## **VII. Communications**

### **A. Newsletter**

Director Meyer noted the deadline for articles is June 1<sup>st</sup> and the next publication date will be June 15<sup>th</sup>. Director Meyer will draft an update on Red Tail Hawk and Director Rexroat will write an article regarding the wi-fi system.

### **B. Website**

The website is current and the March Minutes will be posted. Director Meyer wants to update the photos on site and also solicit comments from Creekside and Ridgeview residents.

## **VIII. Public Input**

Lee Ruterbories thanked the Board for giving him an opportunity to speak and stated he is looking forward to working with Director Arellano and others to make the joint xeriscape project a success. Director Meyer asked Mr. Ruterbories to write an article regarding the landscaping project for the newsletter. Mr. Simner, HEB HOA Vice President, volunteered to write the article.

## **IX. Adjourn**

The meeting ended at 12: 40 pm.

**The next meeting will be held May 26, 2010**