

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

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

Regular Meeting

Heritage Eagle Bend Clubhouse

23155 E. Heritage Parkway, Aurora, Colorado 80016

**Date: October 27, 2010**

10:00 am

### **MINUTES**

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

The meeting was called to order at 10:02 am by Director Coker. In attendance were Directors: Coker, Arellano, Geiger, Meyer, and Rexroat. Members of the public introduced themselves.

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

It is the responsibility of each Director to disclose any matter of conflict of interest with the District to the Board prior to each meeting, and any such potential conflicts must also be filed with the Secretary of State. The current practice of filing each month will be amended to filing on an annual basis for all meetings, absent new conflicts that arise during the year.

#### **III. Approval of Consent Items**

Director Geiger added the Tri-Party Agreement to the Consent Calendar which also included, the Agenda for the October 27, 2010 meeting the Minutes of the August 25 and September 8, 2010 meetings, and the approval of the payables – check numbers 1521-153,7 and moved approval of the Consent Calendar. Director Coker seconded the motion which was approved unanimously.

#### **IV. Public Input**

Shirley Benton, HEB resident, voiced safety concerns regarding the intersection at Gartrell Road and Heritage Parkway. She questioned whether a traffic device could be installed and the landscaped trimmed to promote better visibility. Director Coker stated he had spoken with representatives from the City of Aurora (COA) concerning this same issue. It is the COA's responsibility to install traffic devices and they have taken the stance that traffic flow would be impeded by the installation of such a device. Director Coker stated the Board has trimmed back many of the plant materials and deliberately planted new materials whose height maturation will not impede traffic visibility.

#### **V. Reports of Officers, Committees and Professional Consultants**

##### **A. Water**

##### **1. Update on wi-fi**

See below.

##### **2. Update on current water usage - ECCV Pipeline and Wells**

Scott Lehman, water consultant for the District, reviewed his Operations Summary dated October 22, 2010. He reported the wells will be shut down by the first of November. Mr. Lehman stated he is now able to monitor all water levels, flow rates, and the pond level due to the installation of the wi-fi system which he stated "was the correct solution for the District". Inspection of the wells will occur every 5-7 years however, Layne Western will continue their yearly inspection of the electrical system. Mr. Lehman contacted Excel Energy regarding the September and October meter readings which he believes are underestimated.

Members of the public had several questions:

- 1.** What is the level of the pumps? Mr. Lehman reported the pumping level is 300-400 ft. over the well. The pumping depth is approximately 1600 feet below the surface due to the location of the Arapahoe aquifer.
- 2.** What is the rating of the water? Mr. Lehman reported that the District's water system is rated "secondary general" and noted that a commercial rating would not be advantageous.
- 3.** Why is the water discolored and also what causes sand to appear in residential water? Director Coker stated the COA has been out to review the situation and taken water samples. At this point, it is unknown what is causing the discoloration and sand. It was clarified that the Metro District is not associated with potable water.

## **2. Update on current water usage - ECCV Pipeline and Wells continued**

**4.** How many acre feet does the District own? There have been several agreements dating back to 1998 between the District, Lennar and the COA. The Metro District currently owns 425 acre feet of water secured via the Lennar annexation agreement. It was clarified that water is purchased and used by the HEB HOA to water the golf course, sidewalk medians and other common areas identified by the HEB HOA. The Metro District is responsible for watering the center medians on Gartrell and South Aurora Parkway (SAP).

Mr. Lehman reported the District has paid \$36,000 in 2010 back to the \$410,000 ECCV debt loan. Note: This debt does not accrue interest.

### **3. Discussion of Irish Tap**

Director Arellano reported the 2010 budget for the Irish tap is \$8000 and expenditures total \$5,364.

### **4. Northwest Project**

See Section V. Reports of Officers, Committees and Professional Consultants, B. Landscaping, 3. Northwest Project

## **B. Landscaping**

### **1. HOA/Commercial**

No information given.

### **2. Creekside**

No information given.

### **3. Northwest Project**

Ashley Stiles and Joe Kissel, landscape architects from TerraCare Associates, reviewed the plans for the Northwest demonstration gardens located on the west side of Gartrell Road between the E-470 exit ramp and the entrance to Compass bank. E-470 has approved the project plans with the stipulation that the northern shade structures/sails be removed due to visibility issues. Should the project move forward several steps must be taken: **1.)** COA must approve the plans, **2.)** a Maintenance Agreement must be written which meets E-470 requirements, **3.)** the District must apply for a COA xeriscape rebate, **4.)** a permit must be pulled (E-470 waiving cost per Ms. Stiles) and **5.)** all project costs must be finalized. The area is designated as a multi-use easement and fits into the City's overall xeriscape plan per Director Coker.

Bob Simmons, owner of commercial property located within the Northwest project, stated he would like more information before giving his input regarding the project. It was agreed that Ms. Stiles will meet with Mr. Simmons. Director Geiger made a motion to allow Director Arellano to go into contract to proceed with the project. Director Rexroat seconded the motion. The motion was unanimously approved.

### **4. South Aurora Parkway**

Joe Kissel, TerraCare Associates, gave an update of the SAP center median project noting the project will be completed by the end of the week. Each median was metered so water usage can be tracked and monitored. Mr. Kissel noted that three center islands will be connected to the District's tap at Aurora/Gartrell. Mr. Kissel reported a storm water permit was pulled in order to keep the storm sewers safe and a final inspection will be scheduled. In addition, solar powered clocks were installed. Each solar clock has a back up battery. Mr. Kissel stated the clocks are reliable and were more cost effective than drilling and installing wire under the SAP roadway. Winter maintenance will include wrapping all newly planted trees and watering all plant material. A COA rebate is not available because rebates are only given when sod is removed. Many questions regarding the project were posed from members of the public such as but not limited to: cost, maintenance, water usage, ownership and District and HOA responsibilities. Director Arellano reported TerraCare Associates will be responsible for maintaining the landscape the first year and this data will be used when establishing the 2012 budget.

## **C. Communications**

### **1. Newsletter**

Director Meyer reported the newsletter was mailed out mid-October and the next newsletter is scheduled for January 15, 2011. It was suggested by a member of the public to publish contact names and phone numbers in the newsletter.

### **2. Website**

Director Meyer reported that he is working with Mike Nearing, web consultant, to make the District's website more user friendly. A demonstration of the website was given by Mr. Nearing. The goal is make navigation and downloading documents easier. A variety of documents will be made available to the public. Uploading

## **2. Website continued**

information on a monthly basis will continue. Links to outside agencies will be provided in addition to a FAQ Section. Per Director Meyer, the updated website will be completed within the next two weeks.

Director Meyer is the main contact for submitting information. The Board, legal counsel and/or the Board's President will be contacted before posting any new information.

Public input was very supportive. Several residents in attendance were not aware of the District's current website and stated they will now access the site for information as needed. Director Coker also stated he has used information from the website to inform and/or update city and county officials regarding Metro District matters.

## **D. Financials**

### **1. Discussion of 2011 Budget and Budget Hearing**

Director Geiger stated the 2011 Budget Hearing will occur November 10, 2010 and all proper and required notices have been submitted.

John Simmons, District accountant, reviewed the Financial Statements dated Sept. 30, 2010. The General Fund has a healthy balance and Mr. Simmons stated this is quite positive given that residential properties will be reassessed in 2011 and given the current economic state the assessments may be lower than the 2009 levels. Director Coker stated taxes collected are a combination of the assessed valuation and the mill levy and if the assessed valuation goes down - taxes go down as well which is a positive outcome for all residents. However, it is known that devalued assessments are not desirable. Director Coker stated the overall goal is to stabilize taxes.

The Water Enterprise Fund is supported by revenues generated by the selling of water to HEB HOA.

Upon reviewing the Debt Service Fund Mr. Simmons stated that residents pay their taxes in two installments and \$68,000 remains to be collected. Due to a \$39,000 county abatement involving the Safeway store the Metro District was not given approximately \$19,000 in a special use tax to repay the property owner for the tax previously paid. An "Eagle Bend Abatement Map" was distributed so that the specific location could be identified. It was pointed out that the commercial area is divided into multiple property sections with various owners and only the property under the Safeway store was subject to the abatement.

In December, the District will make an interest payment from the Debt Service Fund. The bonds in this fund are currently paying interest at 2.00% to 5.25%. Three series of bonds are outstanding – 2003, 2004 and 2005. The Bonds have a call protection of 10 years and cannot be called early.

Members of the public posed two questions:

- 1.) What are the due dates on the bonds? Mr. Simmons responded the specific dates to pay off the bonds are listed in the Year End financial statements.
- 2.) What is the current mil levy? Thirty seven (37) mils for debt service and twelve (12) mils for operations per Mr. Simmons.

### **E. Operations & Services**

No report given.

### **F. Legal**

No report given.

### **G. Erosion**

No report given.

## **VI. Unfinished Business**

### **A. No Unfinished Business**

## **VII. New Business and Special Orders**

### **A. No New Business or Special Orders**

## **VIII. Adjournment**

The meeting ended at 12:35 pm.

**The next meeting will be held November 10, 2010**