

EAGLE BEND METROPOLITAN DISTRICT # 2
<http://www.eaglebendmetro.com>
Monthly Meeting
Heritage Eagle Bend Clubhouse
23155 E. Heritage Parkway, Aurora, Colorado 80016
Date: January 26, 2012
10:00 am

MINUTES

I. Call to Order

The meeting was called to order at 10:00 am by Director Coker. In attendance were Directors: Coker, Arellano, Rexroat, Geiger, and Board Recording Secretary Audrey Davie. Director Meyer was absent excused.

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

A quorum was present. 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. An annual Conflict of Interest Disclosure must also be filed with the Colorado Secretary of State.

III. Approval of Consent Items

- A. Agenda for January 26, 2012**
- B. Minutes for December 8, 2011**
- C. Check Register for January 2012**

Director Geiger made a motion to approve the following consent items: January 26, 2012 agenda with one addition - approval of the Engagement letter from Barnes & Wagner to perform the 2011 financial audit, December 8, 2011 minutes, January payables with check register #1733-1745 and checks #1726-1732 for ratification. Director Rexroat seconded the motion. The motion was unanimously approved.

IV. Public Input

There were four members of the public present. Newsletter comments were positive. A short discussion ensued regarding taxes generated from commercial zoning versus residential property taxes. Director Coker stated that the development of the remaining commercial property within the District should have a significant impact on the District's tax revenues.

V. Reports of Officers, Committees and Professional Consultants

A. Water

1. Update on Water Rates for 2012

Director Rexroat reported the contract is under review. Director Rexroat stated a hike of \$0.25 will be considered due to proposed increases in commercial electrical charges by Excel Energy. **NOTE:** The District's wells are considered "commercial property". Director Rexroat also stated: **1.)** the possibility of supplying water to Creekside is still under review and he will report back to the Board in February; **2.)** should either well fail, repair costs could be in the range of \$80,000 to \$100,000.

Director Geiger reminded the group a test run of the Buchanan Tap will be conducted this spring. The tap has not been accessed the last three years and a test is imperative should a third source of water be necessary.

B. Landscaping

- 1. Eagle Bend Marketplace/Northwest Project – "Demonstration Garden"**
- 2. South Aurora Parkway**

Director Arellano reported the Board received a City of Aurora (COA) xeriscape rebate of \$4900. He noted that the trees, center medians and demonstration garden will need watering this winter. The cost to do so is projected

B. Landscaping continued

to be approximately \$2000. This responsibility could be added to the current TerraCare Landscape contract or other bids could be requested.

E-470 personnel installed solar panels within the perimeter of the demonstration garden. Upon installation soil and plant material were damaged. Director Arellano has contacted several people regarding the damage and will continue working to remedy this situation.

Director Arellano asked the Board's permission to contact Xcel Energy regarding the current payment due date. The current due date is not always conducive to when the Board signs checks.

Director Arellano reported that he was asked to be a part of a HEB/HOA sub-committee assigned with the task of studying three intersections within the HEB Community. The conclusion by the sub-committee for the intersection at Heritage Parkway and Gartrell Road was: **1.)** relocate the stop sign so it is more visible; **2.)** paint stripes on Gartrell Road indicating where to stop; **3.)** trim bushes once a month. Also discussed were the intersections and the possible solutions for Filing #9 and South Aurora Parkway and Phillips Place and Gartrell.

Public Question: Does the painting on Gartrell include pedestrian stripes? **Answer:** NO. However, this can be considered because the COA must approve any proposed work concerning public roads.

Director Arellano was asked to report back to the Board in February regarding a proposed HEB/HOA "town hall" type of information fair. More details are to follow.

C. Communications

1. Newsletter & Website Protocol and Process

Director Coker reported there is concern regarding the last newsletter. It is the District's policy that articles be approved by District legal counsel and two other Board members prior to publication. Some of the articles and information therein were not approved in accordance with that standing policy. President Coker reiterated that he needs to know what the system/Directors are doing and not be bypassed. Phone calls and emails to Director Meyer, newsletter editor, have not been returned. Director Geiger suggested Recording Secretary, Audrey Davie, Director Coker and he meet to review the established processes and protocols and report back to the Board in February.

D. Operations & Services

1. Laurie Tatlock of Mulhern MRE Inc. – 2012 Election Presentation

Laurie Tatlock has been appointed the Designated Election Officer (DEO) for the 2012 spring Board of Directors election. Per state statues Mrs. Tatlock stated she will: **1.)** publish the "Call for Nomination" in the Aurora Sentinel in February; **2.)** initiate a mail ballot process in March should more than two people submit nomination forms. The billing rate will be \$60/hour. Director Geiger will be the contact person for Mrs. Tatlock.

Public Question: Did you do this process last year? And if so what was the cost? **Answer:** YES, in 2010. The cost was \$2000 which covered all materials and time required to fulfill all state requirements.

E. Legal

1. Motion to approve 2012 Revised Annual Administration Resolution

Director Geiger made a motion to approve the EBMD#2 Revised Annual Administration Resolution as drafted with the knowledge that Item #12 – Listing of Officers may change during the current meeting. The Recording Secretary will replace names should any changes occur. Director Rexroat seconded the motion. The motion was unanimously approved.

F. Treasurer's Report

1. Year-End Financial Statements

Copies of the Year-End Financial Statements were distributed to all present. Director Geiger reviewed the three funds: **1.)** General Fund; **2.)** Water Enterprise Fund and **3.)** Debt Service Fund. See Financial Statements for more information.

2. Annual Audit

Director Geiger moved to approve the engagement letter for the 2011 financial audit to be performed by Wagner Barnes, PC. Director Arellano seconded the motion. The motion was unanimously approved.

VI. Unfinished Business

A. Membership

1. Aurora Chamber of Commerce

The District has joined the Aurora Chamber of Commerce. Director Coker stated he sees membership as: **1.)** prime opportunity to promote the Eagle Bend community; **2.)** access information and **3.)** be involved regarding current state and city issues impacting the District.

VII. New Business and Special Orders

A. Election of Board Officers for 2012

Director Coker thanked the Board for allowing him to serve as President the last six years and noted he will be running for reelection on the Board. With that being said, he recommended a motion be presented noting that legal counsel, Kristin Bear, had been consulted. Director Rexroat stated: I move that all existing officer positions of the District hereby be terminated and the following officers be elected: Chairman/President – Larry Geiger; Senior Vice President – George Arellano; Vice President of Water Operations – Richard Rexroat; Vice President of Landscape Maintenance – George Arellano; Treasurer – Tom Coker; Secretary - Richard Rexroat, Assistant Treasurer - Richard Rexroat; Assistant Secretary - Tom Coker; Recording Secretary – Audrey Davie. Director Arellano seconded the motion. The motion was unanimously approved.

B. Newly Elected President's Comments & Expectations

Director Geiger reported he will continue with the Board's current direction and thanked the members for their trust.

VIII. Adjournment

The meeting ended at 12:05 pm.

The next meeting will be held February 23, 2012