
MINUTES OF A SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF THE
EAGLE BEND METROPOLITAN DISTRICT NO. 2
HELD
JANURAY 21, 2016

A special meeting of the Board of Directors of the Eagle Bend Metropolitan District No. 2 was held on January 21, 2016 at 10:00 a.m. at the Heritage Eagle Bend Clubhouse, 23155 East Heritage Parkway, Aurora, Colorado 80016. The meeting was open to the public.

Attendance

In attendance were the following Directors:

Tom Coker
Rex Rexroat
George Arellano
Bruce Simner
Ed Malone

Also in attendance were:

Denise Denslow and Shannon Torgerson; CliftonLarsonAllen LLP ("CLA")
John Simmons; Simmons and Wheeler, P.C.
Irv Reinke 22852 E. David Place
Connie Smith 8127 S. Catawba Court
Will Schippers 7759 S. Valdai Court
Dennis Lumley 8086 S. Shawnee Street
Tom & Nancy McClanahan 7955 Rome Court
Dale Taylor 7899 S Zante Court
Pat and Forrest Mosely 7830 Coolidge Way
Steve Hungerford 8156 S. Tempe Court
John Kerbaugh 23400 E. Moraine Place
John Ehlers 7875 S. Zante Court
John McCracken 8214 S. Catawba Court
Johnny Watson 7871 S. Duquesne Way
Myron Spanier 23458 E. Long Place
Gary Decolati 8067 S. Tempe Court
Bob Harston 7976 S. Shawnee Street
Bev Church; United Management for Creekside Eagle Bend

Call to Order

Director Coker called the meeting to order at 10:00 a.m.

Declaration of
Quorum/Director

Qualifications/
Disclosures of
Conflicts

Director Coker declared that there was a quorum and that all Board members were qualified to serve. The Board discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors and to the Secretary of State. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting, and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with Statute. It was noted by the Board that disclosures of potential conflicts of interest statements for all directors have been filed with the Secretary of State's office prior to this meeting and that no additional conflicts were disclosed at the meeting.

Approval of
Consent Items

- A. Agenda for January 21, 2016
- B. Minutes for January 11, 2016
- C. Current Claims

Following discussion, upon a motion duly made by Director Arellano, seconded by Director Simner and, upon vote unanimously carried, the Board approved consent items A, B and C.

Public
Comments

Mr. Schippers asked how a special meeting of the Board comes about, specifically what the recent retreat was and if it is permitted. Director Coker stated the Board can call a meeting at any time one is needed as long as it is properly noticed and posted. He informed attendees that the meeting was held as a working session and was a learning experience for Director Malone to assist in getting him up to speed. Mr. Schippers stated he would like to be notified of meetings ahead of time moving forward. Ms. Denslow asked that any homeowner who is interested in advance notice please note as such on the sign in sheet.

Old
Business

- A. Other
- None.

Reports

- A. Treasurer's Monthly Report

Mr. Simmons handed out and reviewed the December 31, 2015 financial statements. Mr. Simmons answered questions regarding the specific ownership tax regarding specifically relating to vehicle ownership taxes. The mill levy was reviewed as part of a self imposed audit and it was noted the highest mill levy was 52.06 under the Declarant, was then lowered by 3 mills to 49 and then again by 9.5 mills to 39.5 in 2016. Mr. Simmons reported new Districts are being created have a mill levy of 50 mills of higher.

B. Water Operations – Monthly Report

Director Rexroat reported he is still working with the City of Aurora on a third water source and expects to hear something by the middle of March. He stated the City has issued a contract to an engineer to determine the cost of running a water line to Eagle Bend, reporting that if it works the project will be cleaner for the District. Director Rexroat informed the Board that drilling a well cannot move forward until this process is completed and approved by the City.

A constituent asked why the District is in need of an additional water source. Director Rexroat reviewed the amount of water currently needed by the golf course, stating the existing wells do not produce enough water to keep the entire course green. It was noted the East Cherry Creek Valley Water source could be deactivated at any time and the City of Aurora potable water is expensive and only available in the case of an emergency.

C. Landscape Maintenance – Monthly Report

Pat Mosely and Bev Church presented a bid for plant replacement in the common areas at Creekside Eagle Bend for a total of \$17,000. Director Arellano noted the District Board has worked with Creekside several times and the work has always been satisfactory. Mrs. Mosely stated the plants chosen are anticipated to be less desirable to rabbits and the irrigation is not to be modified but will be tested prior to plant installation. Ms. Church reported the plant material has a one year warranty and will be installed within one month of the last frost.

Upon a motion duly made by Director Arellano, seconded by Director Rexroat and, upon vote, unanimously carried, the Board approved participating in a cost share for this project with Creekside Eagle Bend with the District's portion of the project totaling \$8,500. The District will be billed directly once completed to the Association's satisfaction and acceptance for the entire project and then will be reimbursed for the work completed by the Association.

Director Arellano reported working with A Pest Control on gophers in the garden, noting there are no tracks visible after the last snow fall so it is believed the gophers are currently under control.

D. Communications – Newsletter and Website

Director Coker stated the Metro District information booklet is almost finished and will be given to every homeowner providing detail on future plans of the District. It was reported there would not be a newsletter in the first quarter.

Director Coker noted the President's letter will be sent out shortly after the February meeting.

E. Legal

a. Review and Approve Settlement Agreement with SDMS in Connection with 2015 Election.

Ms. Denslow presented the SDMS settlement information for the Board's consideration.

Upon a motion duly made by Director Rexroat, seconded by Director Malone and, upon vote, unanimously carried, the Board approved settlement of the costs associated with election mistakes.

b. Review and Consider Adoption of Resolution 2016-01-01; Board of Directors Regarding Election.

Ms. Denslow stated Resolution 2016-01-01 regarding Calling for Election was included in the board packet for review and approval. She reported the resolution had two purposes, to hold an election for the seats up for election and to allow the constituents to vote on elections regarding potential taxes.

Upon a motion duly made by Director Rexroat, seconded by Director Arellano and, upon vote, unanimously carried, the Board approved Resolution 2016-01-01 regarding Calling for Election.

c. Review and Approve 2016 Ballot Questions

Ms. Denslow presented the ballot questions, which she read aloud. Director Coker summarized the questions for attendees.

Following discussion, upon a motion duly made by Director Rexroat, seconded by Director Simner and, upon vote, carried 4-1-0 with

Director Arellano voting against the question stating it is not the responsibility of the District to take action to ensure the safety of those who traverse Aurora Parkway or Gartrell, the Board approved the question regarding traffic safety pending final legal review. Director Simner noted that the City of Aurora has stated they will not put up a stop sign to control speed.

Following discussion, upon a motion duly made by Director Rexroat, seconded by Director Simner and, upon vote, unanimously carried, the Board approved the question regarding the 3rd water source pending final legal review.

d. Review and Approve First Amendment to Eagle Bend Metropolitan District No. 2 Annual Administrative Matters Resolution.

Ms. Denslow reviewed the First Amendment to the Annual Administrative Matters Resolution with the Board, noting that it updates the Board offices held and the Designated Election Official.

Upon a motion duly made by Director Rexroat, seconded by Director Arellano and, upon vote, unanimously carried, the Board approved the First Amendment to the Annual Administrative Matters Resolution.

e. Review and Approve Proposal from SDMS for 2016 Election

Upon review and discussion, a motion was duly made by Director Arellano, seconded by Director Malone and, upon vote, unanimously carried, the Board approved the proposal from SDMS to manage and run the 2016 Election.

f. Review and Approve Resolution No. 2016-01-21: Resolution of the Board of Directors of the Eagle Bend Metropolitan District No. 2 Designating the District's 24-Hour Posting Locations

Ms. Denslow noted the 24-Hour Posting location is at the Heritage Eagle Bend clubhouse. Following discussion, upon a motion duly made by Director Arellano, seconded by Director Rexroat and, upon vote, unanimously carried, the Board adopted Resolution No. 2016-01-21: Resolution of the Board of Directors of the Eagle Bend Metropolitan District No. 2 Designating the District's 24-Hour Posting Locations.

F. President's Report

This item was deferred until the February meeting.

G. Manager Issues

This item was deferred until the February meeting.

New Business

There were no items for discussion in New Business.

Next Meeting

Confirm Quorum for Next Board Meeting to be Held Thursday, February 18, 2016 at 10:00 a.m. at the Heritage Eagle Bend Clubhouse

The Board confirmed the intent of a quorum for the next Board meeting, to be held Thursday, February 18, 2016 at 10:00 a.m. at the Heritage Eagle Bend Clubhouse.

Adjournment

Upon a motion duly made by Director Coker the Board adjourned at 11:31p.m.

Respectfully submitted,



Secretary for the Meeting