

MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
EAGLE BEND METROPOLITAN DISTRICT
HELD
August 17, 2017

A regular meeting of the Board of Directors of the Eagle Bend Metropolitan District was held on August 17, 2017 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:

Larry Dee Moore
David Gruber
George Arellano
Ed Malone
Rex Rexroat

Also in attendance were:

Denise Denslow and Kim Herman; CliftonLarsonAllen LLP ("CLA")
Kristen Bear; White Bear Ankele Tanaka & Waldron
Mark Chambers; Simmons & Wheeler, P.C.
Gene Blum and Roe Sherbert; Heritage Eagle Bend HOA
Will Schippers 7759 S. Valdei Ct.
Connie Smith 8127 S. Catawba Ct.
Bruce Simner Resident
Johnny Watson 7871 S. Duquesne Way
Russ Tempelman 72929 E. Long Dr.
Beverly Petry 8205 S. Shawnee
James Fletcher 7208 S. Tucson Way
Jerry Stengakken 23510 E. Moraine Pl.
Tom Coker Resident
Gary Decolati 8167 S. Tempe Ct.
Ron Meyer Biloxi Ct.

Call to Order

Director Moore called the meeting to order at 10:01 a.m.

Declaration of
Quorum/Director
Qualifications/
Disclosures of
Conflicts

Ms. Denslow 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 August 17, 2017
- B. Minutes for July 20, 2017 Board Meeting
- C. Approval of August 2017 Claims

The Board discussed changes needed to the July meeting minutes.

Following discussion, upon a motion duly made by Director Gruber, seconded by Director Malone and, upon vote unanimously carried, the Board approved the July 20, 2017 meeting minutes, subject to revisions.

Upon a motion duly made by Director Gruber, seconded by Director Malone and, upon vote unanimously carried, the Board approved the August 2017 claims, represented by checks 3669 through 3677 totaling \$52,291.21.

Public
Comments

Mr. Simner asked the Board for an update on the stop light. The Board informed Mr. Simner that an update on the Traffic Light is on the agenda and will be discussed during "Traffic Safety."

Mr. Watson discussed the Xcel powerlines and provided a handout. He reported meeting with the City of Aurora on July 31, 2017 to discuss with Planning Commission, however he stated a deadline for responses has not yet been provided. Director Arellano stated that Mr. Coker was taking the lead regarding the transmission line and informed the Board that the Metropolitan

District has been involved for years. Director Gruber stated that the powerlines along Gun Club Road, from Quincy, will be doubled up.

A resident informed the Board that the streets are looking great.

Mr. Meyer requested an update regarding the costs to maintain the demonstration garden. Ms. Denslow stated that maintenance costs \$9,583 per year. Mr. Meyer challenged the low cost. Ms. Denslow reported that it only cost \$13,000 for all of EBMD. Mr. Meyer further stated that he does not want the garden abandoned, only improvements – i.e. remove sails, benches, and trash cans. Director Moore requested that Mr. Meyer provide a formal proposal of what he would like to see completed. Ms. Denslow stated that they would also need costs for Mr. Meyer’s proposed improvements. Director Moore stated that the District will not spend money on the project until a known consensus within the community has been reached. A resident suggested that the Board monitor the discussions on social media.

Financial Items

A. Other

Mr. Chambers reported he had no other updates.

Water
Operations

A. Monthly Report

Director Rexroat reviewed the May Water Report from TZA, noting both the north and south wells had gone back up. He stated that the rain had been helping. Director Moore added that the City of Aurora had provided a temporary meter when the EBMD meter was down, the District was only without a meter for one day.

B. Water Rates

Director Rexroat reviewed the 2018 Agreement with the Board, discussing how the numbers were determined. Director Moore stated that the contract negotiation will take place during Executive Session.

C. Water Sustainability

This item will be discussed during executive session.

Director Moore acknowledged that the Board is working hard to get a resolution to the third water source need.

Landscape
Maintenance

A. Monthly Report

Director Arellano reported that the Creekside tree selection and installation is in progress; this will be done as a cost sharing project between EBMD and the Creekside HOA. Mr. Watson stated he met with Keesen, and Director Arellano to select 10 trees for installation.

Traffic
Safety

A. Update regarding Traffic Light

Director Gruber stated that the updated traffic study meets warrants to justify the traffic light. Preliminary evaluation has determined that the tunnel will not be impacted by installation of the light. Director Gruber reported that the IGA with the city is in final form. He informed the Board that the timing of the installation has been expedited by the city due to the contribution by the District to assist with the project costs. He noted that City Council approved the project for 2018.

A resident asked the Board for an update regarding any warning lights for the blind curve leading up to the light that will be installed in 2018. Director Gruber stated that radar sensors to warn of the light would be needed to be able to address that issue, and is unsure if this is currently in the plans. Director Moore asked if there will be a sign placed after the light is installed.

Director Malone asked if there was any progress regarding the left turn on Gartrell and Aurora Parkway. Director Gruber reported that there was no progress regarding the left at this time. Director Moore stated that this was more than just programming and that the city is aware. Director Gruber estimated the cost to be \$250,000, with \$2,000 of that cost for Keesen work.

A resident reported speed limit confusion as there are many different posted speed limits along Gartrell. Director Gruber stated that he could check on this issue.

A resident stated that after 8:30 p.m. the light on Aurora Parkway defaults to green with a shorter time to Gartrell. Director Moore will talk to the city regarding this issue.

Business
Development

A. Other

Director Gruber reported that Safeway is not currently interested in releasing their lease. Director Arellano added that approximately \$175,000 in taxes per year is generated by the shopping center. Director Gruber stated that Safeway has no interest in returning and will likely block any other groceries from entering this space.

Director Gruber reported that the apartment construction is moving fast; noting there will be 280 units, only 2 stories high, all parking requirements have been met, and the initial plans were approved in June or July with the final plat still with City Council for review.

Director Gruber reported on the pair homes being built by KB Homes, noting concern over water use and median changes while also confirming that they need to meet the EBMD construction standards regarding specific brick standards.

Manager Issues

A. Discuss and Consider Approval of Acceptance of Donated Property

Ms. Denslow reported a request from Mr. Michael Brill to donate 1.5 acres of land by the Marketplace. Director Moore stated that more research needs to be done. There was discussion about prior ownership and zoning. Ms. Denslow stated that the property would be at no cost to the District. The Board requested that further due diligence be done.

Legal Items

A. Executive Session to Receive Attorney Advice and Discuss Contract Negotiations with the City of Aurora Concerning Water Issues Pursuant to C.R.S. Sections 24-6-402(4)(b) and (e)

Upon a motion duly made by Director Gruber, seconded by Director Malone and, upon a vote unanimously carried, the Board entered into Executive Session at 11:06 a.m.

Upon a motion duly made by Director Gruber, seconded by Director Malone and, upon a vote unanimously carried, the Board exited Executive Session at 12:31 p.m.

Next Meeting

Confirm Quorum for the Next Regular Board Meeting to be Held Thursday, September 21, 2017 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, September 21, 2017 at 10:00 a.m. at the Heritage Eagle Bend Clubhouse.

Adjournment

Upon a motion duly made by Director Moore, the Board adjourned the meeting at 12:33 p.m.

Respectfully submitted,



Secretary for the Meeting