

**MINUTES OF A SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF THE
EAGLE BEND METROPOLITAN DISTRICT
HELD
MARCH 26, 2021**

A special meeting of the Board of Directors of the Eagle Bend Metropolitan District (“District”) was held on March 26, 2021 at 10:00 a.m. Due to the concerns regarding the spread of the coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, this meeting was held by video-telephonic means without any individuals (neither District representatives nor the general public) attending in person. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Larry Moore, President
Will Schippers, Vice-President
George Arellano, Treasurer
Ed Malone, Secretary
Doug Neves, Assistant Secretary

Also, In attendance Were:

Denise Denslow & Margret Henderson; CliftonLarsonAllen LLP
 (“CLA”)
George Rowley; White Bear Ankele Tanaka & Waldron (“WBA”)
Justin Korkus, Lamp Rynearson
Rick Matteson, President of Heritage Eagle Bend HOA
Roe Sherbert, Heritage Eagle Bend
Johnny Watson, President of Creekside Eagle Bend HOA
Jorge Estavez, Creekside Eagle Bend

ADMINISTRATIVE
MATTERS

Call to Order, Quorum, Agenda: Director Moore called the meeting to order at 10:05 a.m. Ms. Denslow declared that there was a quorum and that all Board members were qualified to serve.

Ms. Denslow noted for the Board that agenda items VIB1 and VIB2 would be addressed after the Public Comment section and that item IIIC would be handled under VD. Upon a motion duly made by Director Arellano, seconded by Director Schippers and, upon vote, unanimously carried, the Board approved the agenda as amended.

Disclosures of Potential Conflicts of Interest: 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.

Attorney Rowley stated that disclosures of potential conflicts of interest statements for all directors, which were provided to WBA, have been filed with the Secretary of State's office prior to this meeting and that no additional conflicts were disclosed at the meeting.

CONSIDER DISTRICT
COST SHARING
APPLICATIONS FOR
LANDSCAPING AND
FENCING
IMPROVEMENTS

Cost Sharing Request from Heritage Eagle Bend HOA for Landscape Program: Mr. Sherbert briefly presented the cost sharing request to the Board, identifying the costs and allocations contained within the presentation materials. Discussion followed regarding the year of installation this request represents as it was mislabeled as 2019. Mr. Sherbert stated this request is for work installed in 2020. Director Moore clarified by informing the Board that Heritage Eagle Bend HOA is on a cycle in arrears, after the project is completed, whereas the presentation from Creekside Eagle Bend HOA will be for work not yet performed.

Upon a motion duly made by Director Schippers, seconded by Director Malone and, upon vote, unanimously carried, the Board approved the cost sharing request from Heritage Eagle Bend HOA in the amount of \$96,919 with Eagle Bend Metropolitan District's contribution being 50% of that, or \$45,950, upon receipt of revised request reflecting the accurate year of installation.

Cost Sharing Request from Creekside Eagle Bend HOA for Replacement of the Current Cedar Perimeter Fence with an Upgraded Trex Product: Mr. Watson made an introduction and stated that the materials provided to the Board represent a broader scope of worth than what Creekside Eagle Bend HOA would like to request for 2021. Mr. Estevez provided a comprehensive presentation to the Board, describing the various elements of the proposal, ultimately requesting to backfill what they had intended to request in 2020 as well as their 2021 request. Discussion followed regarding how the contract would be held and how the funding would occur.

Upon a motion duly made by Director Schippers, seconded by Arellano and, upon vote, unanimously carried, the Board approved funding 50% of the Creekside Eagle Bend HOA project costs of \$190,000, or \$95,000, with the contract to be let through the District. Attorney Rowley stated he would work with Creekside Eagle Bend HOA to obtain the contract for the composite perimeter fencing.

CONSENT AGENDA

Minutes for November 19, 2020 Special Meeting:

Claims:

Memorandum of Understanding Between the City of Aurora Water Department and the District Regarding the Rampart Raw

Water Pipeline Costs:

2020 Annual Report:

Following discussion and review, upon a motion duly made by Director Arellano, seconded by Director Schippers and, upon vote, unanimously carried, the Board approved items A, B and D of the Consent Agenda. Item C was addressed later in the meeting.

FINANCIAL MATTERS

Unaudited Financial Statements as of December 31, 2020: Ms. Henderson presented the draft financial statements to the Board, noting they would stay in draft form until the audit is complete. She stated that they are largely consistent with the September 30, 2020 Financial Statements. The field work for the audit will begin in April. She noted two changes related to the completion of the raw water pipeline project, which was completed in September, and will no longer be shown as a capital improvement asset as it belongs to the City of Aurora. She also stated in the enterprise fund that there were higher than anticipated costs due to the weather, but that the City of Aurora provided a credit of just under \$40,000 for the delay in the raw water line, which resulted in the District needing to utilize the Buchanan Tap for golf course irrigation purposes.

Upon a motion duly made by Director Malone, seconded by Director Neves and, upon vote, unanimously carried, the Board accepted the unaudited financial statements as of December 31, 2020.

WATER OPERATIONS

2020 Final Monthly Operations Reports October – December:

Mr. Korkus noted the report was included in the packet. The Board did not have any questions. No action was taken.

2021 Final Monthly Operations Reports January – February:

Mr. Korkus noted the report was included in the packet. The Board did not have any questions. No action was taken.

North Well Pump Repair: Mr. Korkus provided an update to the Board. He stated that the video showed the well was in good condition and required limited repairs. He recommended that the District wait to start up the well until April 12th to minimize electricity demand charges, estimate to be approximately \$2,000. Following discussion, the Board consensus was to wait.

Mr. Korkus also reported that the City of Aurora replaced the meter caps on the Buchanan Tap. Discussion followed regarding the

Intergovernmental Agreement with the City of Aurora. Director Moore reminded the Board that the District could request additional water if a surplus was available.

Memorandum of Understanding Between the City of Aurora Water Department and the District Regarding the Rampart Raw

Water Pipeline Costs: Ms. Denslow briefed the Board on the City of Aurora Memorandum of Understanding, stating that this simply memorialized the final costs of the project. Director Schippers provided an additional resource showing the raw water line cost summary. The Board thanked Director Schippers for his efforts and requested that his summary be placed on the website. Director Moore also commended the City of Aurora for being a great partner to the District. Mr. Watson commented that he feels the raw water line is of great benefit to the community. Director Moore noted that the third well is not off the table for a long-term diversification option. Upon a motion duly made by Director Schippers, seconded by Arellano and, upon vote, unanimously carried, the Board ratified approval of the City of Aurora Memorandum of Understanding.

Other: None.

**LANDSCAPE
MAINTENANCE**

Monthly Report: Director Arellano briefed the Board, stating that there has been some tree loss and he is looking at replacing them.

Other: None.

**BUSINESS
DEVELOPMENT**

Other: Director Malone did not have anything additional to report.

MANAGER MATTERS

Other: Ms. Denslow did not have anything additional to report.

LEGAL MATTERS

Other: Attorney Rowley said he would be sending out the final version of the Cost Sharing Resolution for the Board's review. He will work with Directors Arellano and Schippers on the Creekside Eagle Bend HOA cost sharing contract.

OTHER BUSINESS

Other: Director Neves said he had heard that the left turn signal at Phillips may be turned off. Discussion followed and no action was taken.

ADJOURNMENT

Upon a motion duly made by Director Malone, seconded by Director Neves and, upon vote, unanimously carried, the Board adjourned the meeting at 12:06 p.m.

Respectfully submitted,



Secretary for the Meeting