

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
EAGLE BEND METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
AUGUST 15, 2024

A regular meeting of the Board of Directors of the Eagle Bend Metropolitan District (referred to hereafter as the “Board”) was convened on August 15, 2024, at 10:00 a.m., at the Heritage Eagle Bend Clubhouse, 23155 E Heritage Parkway, Aurora, Colorado 80016. The meeting was open to the public.

ATTENDANCE

Directors in attendance were:

Will Schippers, President
Ed Malone, Vice President
Doug Neves, Treasurer
Debra Mascis, Secretary
Steve Hungerford, Assistant Secretary

Also, In Attendance Were:

Denise Denslow, Ashley Heidt and Margaret Henderson; CliftonLarsonAllen LLP (“CLA”)
Heather Hartung; White Bear Ankele Tanaka & Waldron
Brian Peck; Environmental Designs, LLC (“EDI”)
Justin Korkus; LRE Water
Jean Porter and Cheryl Donovan, Creekside HOA

ADMINISTRATIVE MATTERS

Call to Order:

The meeting was called to order at 10:00 a.m.

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 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 that disclosures of potential conflicts of interest were filed with the Secretary of State for all directors, and no additional conflicts were disclosed at the meeting.

Quorum, Location of Meeting Posting of Meeting Notice:

The Board confirmed the presence of a quorum.

The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. The Board determined to conduct the meeting at the above-stated date, time and location, which is within 20 miles of the District. It was further noted that notice of the time, date and location was duly posted and that no objections to the location or any requests that the meeting place be changed by taxpaying electors within the District's boundaries have been received.

Agenda:

Following discussion, upon a motion duly made by Director Malone, seconded by Director Hungerford and, upon vote, unanimously carried, the Board approved the Agenda, as amended to discuss landscaping matters following the public comment.

Public Comment:

There was no public comment.

CONSENT AGENDA

Consent Agenda:

Director Schippers requested that the June 20, 2024 regular meeting minutes be removed from the Consent Agenda.

Claims:

The Board reviewed the items on the Consent Agenda. Following review, upon a motion duly made by Director Malone, seconded by Director Neves and, upon vote, unanimously carried, the Board approved the Consent Agenda, with the removal of the June 20, 2024 regular meeting minutes.

ITEMS REMOVED FROM CONSENT AGENDA

Pertinent Agenda Area- June 20, 2024 Regular Meeting Minutes:

Director Schippers requested that sections under "Water Matters" within the June 20, 2024 regular meeting minutes regarding the City's obligation to provide an additional water source and letter to the City of Aurora to be removed. Following discussion, upon a motion duly made by Director Hungerford, seconded by Director Malone and, upon vote, unanimously carried, the Board approved the June 20, 2024 regular meeting minutes, subject to the requested revisions.

Remaining Removed Items:

There were no remaining items removed.

FINANCIAL MATTERS

Previous Claims:

This agenda item was discussed within the Consent Agenda.

June 30, 2024 Unaudited Financial Statements, Cash Position and Property Tax Schedule:

Ms. Henderson reviewed the unaudited financial statements and cash position with the Board. Following discussion, upon a motion duly made by Director Mascis, seconded by Director Hungerford and, upon vote, unanimously carried, the Board accepted the June 30, 2024 Unaudited Financial Statements, Schedule of Cash Position and Property Tax Schedule, as presented.

Extension to File 2023 Audit:

Ms. Henderson reviewed the need to request an audit extension with the Board. Following discussion, upon a motion duly made by Director Hungerford, seconded by Director Mascis and, upon vote, unanimously carried, the Board ratified approval of the request for extension to file the 2023 Audit.

SB23-238 and SB23B-001 Regarding Backfill:

Ms. Henderson stated that the District received approximately \$13,000.00 in backfill. She has been working with legal counsel to ensure that the District can retain the funds. Ms. Hartung noted that after review by legal counsel, no issue was found in retaining the funds. The Board acknowledged that they will be retaining the funds.

WATER MATTERS

Operations Report:

Mr. Korkus provided an update to the Board. The South well was activated in July. Discussion followed regarding a potential repair that needs to be made. Mr. Korkus is going to seek a second opinion from another pump company before determining next steps. He noted that the access points to the well houses require mowing and weeding. Mr. Korkus will coordinate this with HEB.

Update on EBMD Coordination with HEB and COA Regarding HEB's Planned New Irrigation System:

Director Schippers noted that the last meeting they had regarding the new irrigation system was in July, where there were differences in opinions. He stated another meeting will be scheduled.

LANDSCAPING

Landscaping Maintenance Status Update:

Ms. Denslow noted that herself and Ms. Heidt met with EDI at the park to review the progress to date as well as what else needs to be repaired.

Landscape Maintenance Issues:

Mr. Peck introduced himself to the Board and expressed his disappointment in his team's performance this season, apologizing for the lack of maintenance. Director Malone asked about the hours dedicated to the property. Director Hungerford asked what the corrective actions are going forward to ensure that the Board is satisfied with their contract. The Board expressed their concerns with the area manager assigned to the District. Mr. Peck committed to weekly visits until the property meets the Board's standards. Discussion followed regarding the progress EDI has made to date and areas that still need improvement.

Letter from Creekside Eagle Bend Homeowners Association ("HOA") – FY 2024 Landscape Plans:

The Creekside Eagle Bend HOA representatives introduced themselves to the Board and provided an overview of the last phases of landscaping that took place last year. Ms. Denslow inquired whether they would proceed if the cost-sharing proposal was not approved, to which Ms. Porter responded they would not. Ms. Denslow noted that the cost-sharing initiative was intended to enhance areas accessible to the public and, according to the map, it seemed that subsequent stages would impact their community rather than public easements. Ms. Porter pointed out that these are indeed within public right of way and the map likely does not represent this accurately. A conversation ensued about the upcoming phases. The contract will involve Eagle Bend Metropolitan District and Creekside HOA, with a reimbursement of 50% made to the District from the HOA.

Work Order #108219 – CEB I – Complete Aurora Pkwy Entrance (from 2023) with Keesen Landscape Management, Inc in the amount of \$5,268.40:

The Board reviewed Work Order #108219. Following review, upon a motion duly made by Director Hungerford, seconded by Director Malone and, upon vote, unanimously carried, the Board approved Work Order #108219 – CEB I – Complete Aurora Pkwy Entrance (from 2023) with Keesen Landscape Management, Inc. in the amount of \$5,268.40, as presented.

Work Order #109218 – CEB II – North & South Side of E. Jamison Dr with Keesen Landscape Management, Inc. in the amount of \$26,572.36:

The Board reviewed Work Order #109218. Following review, upon a motion duly made by Director Hungerford, seconded by Director Malone and, upon vote, unanimously carried, the Board approved Work Order #109218 – CEB II – North & South Side of E. Jamison Dr with Keesen Landscape Management, Inc. in the amount of \$26,572.36, as presented.

Work Order #109348 – CEB III – Beds Along S. Duquesne Way (Along Street from CEB Pool House) with Keesen Landscape Management, Inc. in the amount of \$3,225.24:

The Board reviewed Work Order #109348. Following review, upon a motion duly

made by Director Hungerford, seconded by Director Malone and, upon vote, unanimously carried, the Board approved Work Order #109348 – CEB III – Beds Along S. Duquesne Way (Along Street from CEB Pool House) with Keesen Landscape Management, Inc. in the amount of \$3,225.24, as presented.

Work Order #109107– CEB IV – East and West Corners of Irish/S. Duquesne Ct. – CEB 2nd Entrance with Keesen Landscape Management, Inc. in the amount of \$12,467.99:

The Board reviewed Work Order #109107. Following review, upon a motion duly made by Director Hungerford, seconded by Director Malone and, upon vote, unanimously carried, the Board approved Work Order #109107 – CEB IV – East and West Corners of Irish/S. Duquesne Ct. – CEB 2nd Entrance with Keesen Landscape Management, Inc. in the amount of \$12,467.99, as presented.

Work Order #109508 – CEB V – Aurora Parkway Entrance (Along S. Aurora Parkway & E. Jamison) with Keesen Landscape Management, Inc. in the amount of \$4,335.57:

The Board reviewed Work Order #109508. Following review, upon a motion duly made by Director Hungerford, seconded by Director Malone and, upon vote, unanimously carried, the Board approved Work Order #109508 – CEB V – Aurora Parkway Entrance (Along S. Aurora Parkway & E. Jamison) with Keesen Landscape Management, Inc. in the amount of \$4,335.57, as presented.

BUSINESS DEVELOPMENT

No business development was discussed.

MANAGER MATTERS

No manager matters were discussed.

LEGAL MATTERS

2024 Legislative Memorandum:

Ms. Hartung reviewed the 2024 Legislative Memorandum with the Board.

Resolution Regarding Initiatives 50 and 108:

Ms. Hartung reviewed the Resolution with the Board. Following review, upon a motion duly made by Director Malone, seconded by Director Mascis and, upon vote, unanimously carried, the Board adopted the Resolution Regarding Initiative 50 and 108, as presented.

Status of Website Accessibility and Document Remediation:

Ms. Heidt reviewed the Allyant Remediation Services proposals regarding document

