

**MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
EAGLE BEND METROPOLITAN DISTRICT
HELD
AUGUST 18, 2022**

A regular meeting of the Board of Directors of the Eagle Bend Metropolitan District (“District”) was held on August 18, 2022 at 10:00 a.m. at the Heritage Eagle Bend Clubhouse. 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
Larry D. Moore Assistant Secretary

Also, In attendance Were:

Denise Denslow, Ashley Heidt, and Carrie Beacom;
CliftonLarsonAllen LLP (“CLA”)
Heather Hartung; White Bear Ankele Tanaka and Waldron
 (“WBA”)
Don Schmitt and Jorge Estevez; Creekside
Justin Korkus; LRE Water

ADMINISTRATIVE
MATTERS

Call to Order, Quorum, Agenda: The meeting was called to order at 10:02 a.m.

Upon a motion duly made by Director Malone, seconded by Director Neves and, upon vote, unanimously carried, the Board approved the agenda, as amended to move items 8A and 9B to the front of the agenda following the Consent Agenda.

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 Hartung 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.

PUBLIC COMMENT

None.

CONSENT ITEMS

Approval of Minutes for June 16, 2022

Claims

July 31, 2022 Financial Statements, Cash Position and Property Tax Schedule

Following review, upon a motion duly made by Director Neves, seconded by Director Malone and, upon vote, unanimously carried, the Board approved the Minutes for June 16, 2022, the Claims and the July 31, 2021 Financial Statements, Cash Position and Property Tax Schedule, as presented.

CREEKSIDE MATTERS

Creekside Cost Sharing: Mr. Schmitt reviewed the updated plan with the Board and the progress that has been made to date. He noted that phase 2 of the plan is nearly complete. Director Moore asked if there would be any rebates. Mr. Schmitt noted that there would be but mostly for irrigation and smart controllers.

Mr. Estevez gave an update on the fence project noting that it ran behind due to issues with the split rail and that the stone column is still missing the capstone due to being so close to an Xcel easement line. He noted they are working with Xcel but the project is still a few weeks out.

Temporary Construction Easement and Permanent Public Access Easement with Creekside Eagle Bend Owners Association

Inc.: Attorney Hartung reviewed the agreement with the Board and asked if the Board would like this agreement to be specific to one phase of the project. She noted that since public funds are being used, the common areas would have to be open to the public. Attorney Hartung asked the Board for direction for the term of the agreement.

Director Moore noted it would be easier to have the agreement apply to all phases instead of breaking it out per phase. It was noted that all areas that would be a part of the project are near the public right of ways and does not include their community center or pool.

Mr. Estevez asked if the public use easement is just the City of Aurora's right of way. Director Moore asked if the projects are on public land or private.

Following discussion, upon a motion duly made by Director Moore, seconded by Director Malone and, upon vote, unanimously carried, the Board approved the Temporary Construction Easement and

Permanent Public Access Easement with Creekside Eagle Bend Owners Association Inc., subject to final legal revisions.

FINANCIAL
MATTERS

Draft Audit and Ratification of Extension: Ms. Denslow introduced Ms. Beacom. Ms. Beacom noted that the Audit is complete, they are just waiting to get a signed copy of an Intergovernmental Agreement (“IGA”) with the City of Aurora for the Rampart Water Line. Attorney Hartung noted she is working on locating a signed copy with the City. Ms. Denslow asked if it was not an IGA but instead a Letter Agreement from July 2019. Director Schippers noted that there was an Memorandum of Understanding in February of 2020 that followed the Letter Agreement. Ms. Denslow recalled that the IGA was not signed by the City of Aurora because they did not want to bring it to City Council.

Following review and discussion, upon a motion duly made by Director Moore, seconded by Director Malone and, upon vote, unanimously carried, the Board ratified approval of the 2021 Audit Extension.

Other: None.

WATER OPERATIONS

Summary Reports: Mr. Korkus reviewed the June and July reports with the Board. He noted that the summer has been extremely dry, but the raw water line is keeping up and the District has not had to use the wells. He noted we are tracking in line with a drought year. Mr. Korkus noted that the draw down is due to surrounding regions and not the District. Director Neves asked how much draw down there is.

Director Moore asked if the reports are being sent to Heritage Eagle Bend. Mr. Korkus noted he has been sending them, but the contact he has is retiring. Ms. Denslow will follow up and see who the best contact is for him to send the reports to.

Director Neves asked about the gates at the wells and how they could use some repair. Following discussion, upon a motion duly made by Director Moore, seconded by Director Neves and, upon vote, unanimously carried, the Board gave Director Malone direction to work with Keesen to get the landscaping issues resolved at the well sites and for Attorney Hartung to draft an agreement.

Director Schippers asked about the Xcel bill. Mr. Korkus noted that he can run the tests overnight, so they are not running them during peak hours with Xcel. Director Neves asked if they run the pumps once a year just to test them and if once a year is enough to make sure everything works properly. Mr. Korkus noted they are tested but it could be a good idea to test them in the fall before shutting them

down and once in the spring before they get turned on. Director Schippers noted the District has a responsibility to Heritage Eagle Bend to ensure they work.

Mr. Korkus noted that Keesen has the key for the irrigation vault. Director Moore noted that the District should have the keys, not Keesen.

Director Moore asked about cleaning the sumps and if that process has started. Mr. Korkus noted he needs to get a specialist, Colorado Water Well, out to clean it out due to the size. Following review and discussion, upon a motion duly made by Director Moore, seconded by Director Malone and, upon vote, unanimously carried, the Board approved the specialist coming to clean the sumps in the amount not to exceed \$1,000.

LANDSCAPE
MAINTENANCE

Other: Director Malone noted that Keesen came out to fix the sails, but they are down again and that Keesen wants to come out next year to create a new way to anchor them. Director Malone noted the poles that hold up the sails are rusting and if it is worth the cost to repair and if they are adding value. Director Moore noted if they are rusted, they should take down the poles and the District should get rid of the storage of the sails. Ms. Denslow noted that in storage is the generator for Heritage Eagle Bend as well as two signs and a monument. She also noted they should just take the sails down. Director Moore noted that Heritage Eagle Bend can have the generator if they take the sails and signs as well. Following discussion, upon a motion duly made by Director Moore, seconded by Director Neves and, upon vote, unanimously carried, the Board approved to give Heritage Eagle Bend the generator, sails and signs.

BUSINESS
DEVELOPMENT

Other: None.

MANAGER MATTERS

Update on Creekside Cost Sharing: This item was moved to follow the Consent Agenda.

District-Specific Emails for Directors: Ms. Heidt reviewed the issues with logging in with the Board and provided a solution.

Other: None.

LEGAL MATTERS

Construction of New Apartments: Attorney Hartung noted that the new apartments are within the District's boundaries and asked if the Board wants to reinstate the developer fees but noted there would need to be a reason why. Director Neves noted that this did not do it with the other apartments that were built a few years prior so he would prefer to not do it with these apartments. Director Moor asked how many units and buildings they are constructing.

Attorney Hartung noted there is to be six three story buildings but does not know how many units.

The Board noted they do not want to move forward with the developer fee at this time.

Notice of Intent to Fix Fees: Attorney Hartung noted this is already drafted and ready to be posted prior to the November Meeting. She asked if Heritage Eagle Bend is interested in a reimbursement agreement for landscape work that they do. Ms. Denslow noted that they are interested. Director Schippers noted they are and would like to have this set before they build their 2023 budget later this year. He also noted he would like to contract with Heritage Eagle Bend instead of Keesen for maintenance of the medians.

Other: Director Moore asked about the 2022 Legislative Memorandum and if there was another memo sent out. Attorney Hartung noted it was sent out the end of June. Director Moore asked if there was anything that would affect the District. Attorney Hartung discussed items within the 2022 Legislative Memorandum impacting metropolitan districts. .

OTHER BUSINESS

New Budget Workshop Meeting Date: The Board discussed moving the date to October 25th from 10am-12pm.

ADJOURNMENT

There being no further business to come before the Board, upon a motion duly made by Director Moore, seconded by Director Neves and, upon vote, unanimously carried, the meeting was adjourned at 11:58 a.m.

Respectfully submitted,

DocuSigned by:
Debra Mascis
3F960703B41B4E8
Secretary for the Meeting