

## RECORD OF PROCEEDINGS

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MINUTES OF A SPECIAL MEETING OF  
THE BOARD OF DIRECTORS OF THE  
HERITAGE HILLS METROPOLITAN DISTRICT (THE "DISTRICT")  
HELD  
JUNE 9, 2021

A special meeting of the Board of Directors of the Heritage Hills Metropolitan District (referred to hereafter as the "Board") was convened on Wednesday, June 9, 2021, at 12:30 p.m. **Due to 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 District Board meeting was held via Zoom. The meeting was open to the public.**

### ATTENDANCE

#### Directors In Attendance Were:

Joyce Lew, President  
Ann Hargett, Secretary/Treasurer  
Brent Bailey, Assistant Secretary  
Darron Tucker, Assistant Secretary  
Christine Biernat, Director

#### Also In Attendance Were:

Denise Denslow, Nic Carlson & Carrie Beacom; CliftonLarsonAllen LLP ("CLA")  
Tamara Seaver; Icenogle Seaver Pogue, P.C.  
Rick Rome & Taylor Goertz; IMEG Corp.  
Rangler Stuckey & Leigh Dufresne; BrightView Landscaping  
Matt Mundy, Kaycee Booth & Kayla Vallin; M.P.M. Recreation

### CALL TO ORDER

The meeting was called to order at 12:43 p.m. by Ms. Denslow.

### DECLARATION OF QUORUM/ DIRECTOR QUALIFICATIONS / DISCLOSURE OF CONFLICTS

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. No additional conflicts were disclosed at the meeting.

### PUBLIC COMMENT

There was no public comment.

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### CONSENT AGENDA

#### **June 9, 2021 Agenda:**

#### **Minutes from May 12, 2021 Special Meeting:**

Ms. Denslow reviewed the consent agenda with the Board. Upon a motion duly made by Director Lew, seconded by Director Hargett and, upon a vote, unanimously carried, the Board approved the June 9, 2021 agenda and minutes from the May 12, 2021 Special Meeting.

### ENGINEERING ITEMS

**Road Condition Assessment Report:** Mr. Rome provided an update to the Board regarding the road condition assessment report and noted that it is still in process.

**Heritage Hills Parkway / Star Hill Circle Intersection Improvements:** It was noted that Chavez Construction Inc. has been contracted and will schedule work on the intersection improvements to begin this summer.

**Heritage Hills Parkway Traffic Calming (Speed Study):** Mr. Goertz reviewed the Heritage Hills Parkway Speed Study with the Board, noting that vehicle counters have been placed near the entrances. Mr. Goertz will present the findings at the next scheduled meeting.

**Schematics and Cost Estimates for Pedestrian Crossing Improvements:** Mr. Goertz reviewed schematics and cost estimates with the Board. IMEG will mark intersections with proposed improvements for the Board to review. After firm estimates are provided to the Board from IMEG, the Board will host an open house for the community.

**Proposals for Crack Seal and Road Repair - 2021 Road Improvements:** Mr. Rome and Mr. Goertz reviewed the proposals with the Board and answered the Board members' questions regarding the proposals for crack seal and road repair. Following discussion, upon a motion duly made by Director Lew, seconded by Director Bailey and, upon vote, unanimously carried, the Board awarded the contract for crack, seal, and road repair to Chavez Construction, Inc. ("Chavez") in an amount not to exceed \$292,425.00, which is an amount that includes a 10% contingency over the bid amount presented by Chavez. In addition, the contract authorizes Chavez to repair any damaged or deficient asphalt and subgrade that may be discovered during performance of the work, for which the District will compensate Chavez in an amount not to exceed \$25,000.00 separately and independently from the compensation figure of \$292,425.00. CLA will work with IMEG on coordinating public communications.

### LANDSCAPING ITEMS

**Updates:** Mr. Stuckey provided an update to the Board, stating that he will be leaving BrightView and Leigh Dufresne will take over as the Account Manager for Heritage Hills Metropolitan District.

Mr. Stuckey noted that the turf has been repaired. He reported the broadleaf herbicide will be applied in the next few weeks, following a notice to the

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residents. He also stated the grub application has been applied and trees and shrubs have received all necessary treatments thus far. In July, BrightView will administer an aphids and mite treatment.

### **Proposals, if any:**

**Plant Material Along Heritage Hills Parkway:** Mr. Stuckey reviewed with the Board the proposal to add plant material along Heritage Hills Parkway in the amount of \$57,979.81. Following discussion, upon a motion duly made by Director Lew, seconded by Director Hargett and, upon vote, unanimously carried, the Board approved the proposal to add plant material along Heritage Hills Parkway in the amount of \$57,979.81.

**Cobble Boarder and Additional Boulders Along Heritage Hills Parkway:** Mr. Stuckey reviewed the proposal to add a cobble boarder and additional boulders along Heritage Hills Parkway with the Board. After discussion, upon a motion duly made by Director Hargett, seconded by Director Biernat and, upon vote, majority carried, the Board approved the proposal to add a cobble boarder and additional boulders along Heritage Hills Parkway in the amount of \$28,930.80. It was noted that Director Tucker was opposed.

**Convert Mulch to Rock Along Heritage Hills Parkway:** Mr. Stuckey reviewed the proposal of converting mulch to rock along Heritage Hills Parkway with the Board. After discussion, upon a motion duly made by Director Lew, seconded by Director Hargett and, upon vote, majority carried, the Board approved the proposal to convert mulch to rock along Heritage Hills Parkway in the amount of \$58,366.77. It was noted that Director Tucker was opposed.

**Mulch Along Heritage Hills Parkway:** Mr. Stuckey reviewed the proposal to add mulch along Heritage Hills Parkway with the Board. Following review, upon a motion duly made by Director Lew, seconded by Director Tucker and, upon vote, unanimously carried, the Board approved the proposal to add mulch along Heritage Hills Parkway in the amount of \$75,000.00.

**Dead Tree Removal:** Mr. Stuckey reviewed the proposal to remove and replace dead trees throughout the District with the Board. Following review, upon a motion duly made by Director Biernat, seconded by Director Hargett and, upon vote, unanimously carried, the Board approved the proposal to remove and replace the dead trees in the amount of \$33,605.00.

### **FINANCIAL ITEMS**

**Interim Claims:** Ms. Beacom reviewed the claims with the Board. Upon a motion duly made by Director Lew, seconded by Director Tucker and, upon vote, unanimously carried, the Board ratified the interim claims in the amount of \$107,307.50.

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**Cash Position Report:** Ms. Beacom reviewed the cash position report with the Board. Following review, upon a motion duly made by Director Lew, seconded by Director Bailey and, upon vote, unanimously carried, the Board accepted the cash position report.

**2020 Audit:** Ms. Beacom reviewed the draft 2020 audit with the Board. Following discussion, upon a motion duly made by Director Hargett, seconded by Director Lew and, upon vote, unanimously carried, the Board approved the draft 2020 audit, subject to final review by Legal Counsel and receipt of a letter of clean opinion from the auditor.

**Other:** None.

### LEGAL ITEMS

**Executive session pursuant to C.R.S., Section 24-6-402(4)(b) and Section 24-6-402(4)(e) for the purposes of receiving legal advice on specific legal questions and determining positions relative to matters that may be subject to negotiations regarding potential tennis lesson contracts:** Upon a motion duly made by Director Hargett, seconded by Director Lew and, upon vote, unanimously carried, the Board entered into Executive Session at 2:47 p.m. Upon a motion duly made by Director Biernat, seconded by Director Hargett and, upon vote, unanimously carried, the Board exited from Executive Session at 3:01 p.m.

No action was taken.

**Contract with Linda Schley for the Use of District Facilities for the Purpose of Tennis Lessons:** Upon a motion duly made by Director Biernat, seconded by Director Hargett and, upon vote, unanimously carried, the Board approved the contract with Linda Schley, contingent on final changes as reviewed by Legal Counsel.

**Other:** None.

### MANAGER ITEMS

**Updated 2021 Clubhouse Private Event Regulations and Rental Agreement:** The Board discussed changes to the Clubhouse rental agreement. Following discussion, upon a motion duly made by Director Biernat, seconded by Director Tucker and, upon vote, unanimously carried, the Board approved the updated 2021 clubhouse private event regulations and rental agreement, subject to the inclusion of discussed revisions.

**Other:** Mr. Mundy provided an update on pool matters per the report provided to the Board.

### DIRECTOR ITEMS

**Other:** None.

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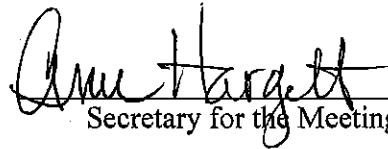
NEXT REGULAR  
MEETING

A quorum was confirmed for the next regular meeting on July 14, 2021 at 5:30 p.m.

ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned at 3:17 p.m.

Respectfully submitted,

  
Secretary for the Meeting