

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
WESTOWN METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
FEBRUARY 16, 2022

A Regular Meeting of the Board of Directors of the Westown Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, February 16, 2022, at 6:05 p.m. This District Board Meeting was held via Zoom. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Cindy Baldwin, President
Hunter Owen, Secretary
Samantha Pearson, Treasurer

Also, In Attendance Were:

Elisabeth A. Cortese, Esq. and Suzanne Meintzer, Esq.; McGeady Becher P.C.
Jerry Jacobs and Corey Pilato; Timberline District Consulting, LLC (“Timberline”)
Diane Wheeler; Simmons & Wheeler, P.C. (for a portion of the meeting)
Gary Esposito, Cher McClellan, Pam Beningo; Members of the Public

**DISCLOSURE OF
POTENTIAL
CONFLICTS OF
INTEREST AND
QUORUM**

Ms. Cortese noted a quorum was present. The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State.

Attorney Cortese requested members of the Board 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 potential conflicts of interest were disclosed and it was noted that all Directors are residents of the District.

**ADMINISTRATIVE
MATTERS**

Agenda: The Board reviewed the Agenda for the meeting. Following discussion, upon motion duly made by Director Baldwin, seconded by Director Owen, and upon vote unanimously carried, the Board approved the Agenda as amended and excused the absence of Director Iruthayanathan.

Meeting Location: 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.

Following discussion, and upon motion duly made by Director Baldwin, seconded by Director Owen, and upon vote unanimously carried, the Board determined to

conduct this meeting via Zoom videoconference and encouraged public participation via Zoom. The Board noted that notice of this meeting and Zoom meeting information was duly posted and the Board had not received any objections to the Zoom meeting or any requests that the meeting be changed by taxpaying electors within the District's boundaries.

Designation of 24-Hour Posting Location: Following discussion, upon motion duly made by Director Baldwin, seconded by Director Owen, and upon vote unanimously carried, the Board determined that notices of meetings of the District Board required pursuant to Section 24-6-402(2)(c), C.R.S., shall be posted at least 24 hours prior to each meeting on the District's website at: <https://Westownmd.Colorado.gov> or if posting on the website is unavailable, notice will be posted at Westown Pool; 15430 West 64th, Arvada, CO 80007.

Public Comment: Mr. Esposito and Ms. McClellan had several questions related to snow removal. Attorney Cortese noted that the snow removal matter was later on the agenda under Property Management/Covenant Enforcement Matters. The Board determined to move the snow removal matter forward before Financial Matters.

December 6, 2021 Special Meeting Minutes: The Board reviewed the Minutes of the December 6, 2021 Special Meeting. Following review and discussion, upon motion duly made by Director Owen, seconded by Director Baldwin, and upon vote unanimously carried, the Board approved the Minutes as presented.

Resignation of Ashley Copenhaver from the Board of Directors: The Board acknowledged the resignation of Ms. Copenhaver, effective December 10, 2021.

**PROPERTY
MANAGEMENT /
COVENANT
ENFORCEMENT
MATTERS**

Snow Removal: Mr. Esposito stated that he felt snow removal is not being done very well; that the District needed to be clear about what areas it was responsible for as he was told that the District would plow his driveway. He further stated that he reportedly paid \$6,000 in property taxes and would like to know how the money is being used. Ms. McClellan stated that she was told all snow removal would be done by the District.

Ms. Pilato explained that the criteria for triggering snow removal occurred at a depth of two (2) inches and within 24 hours after a snow event ended.

Director Baldwin explained that the District did not perform snow removal on private property. Attorney Meintzer explained that, as a public entity, the District could only perform snow removal on public property or on areas for which there was an agreement, and that there was a Cost Sharing Agreement with the Westown Condominium Association, Inc. ("HOA") for the snow removal to occur on condominium sidewalks only (not "driveways"), for which the HOA was to pay 5% of the District's snow removal costs.

Ms. Meintzer also explained the District's imposition and use of revenue generated by mill levies.

Attorney Cortese stated that the Board and the HOA could discuss potential amendments to the Cost Sharing Agreement and noted that nothing in the Cost Sharing Agreement would preclude the HOA from performing snow removal if so desired by the HOA.

Following discussion, the Board directed Timberline staff to prepare a map that clearly illustrated the areas where the District was to perform snow removal.

FINANCIAL MATTERS

Claims: Ms. Wheeler reviewed with the Board the payment of claims for the period ending February 16, 2022, totaling \$95,437.22.

Following discussion, upon motion duly made by Director Owen, seconded by Director Pearson, and upon vote unanimously carried, the Board ratified and approved, as appropriate, the payment of claims for the period ending February 16, 2022, totaling of \$95,437.22.

Unaudited Financial Statements and Cash Position: Ms. Wheeler reviewed with the Board the unaudited financial statements and cash position for the period ending December 31, 2021.

Following discussion, upon motion duly made by Director Baldwin, seconded by Director Owen, and upon vote unanimously carried, the Board accepted the unaudited financial statements and cash position for the period ending December 31, 2021.

PROPERTY MANAGEMENT / COVENANT ENFORCEMENT MATTERS CONT'D

Pool Security and Access: The Board reviewed the ProSec Integration, LLC ("ProSec") proposal for pool security/access surveillance. Following discussion, upon motion duly made by Director Baldwin, seconded by Director Owen, and upon vote unanimously carried, the Board approved the ProSec proposal, subject to legal review.

Replacement of Alleyway Light Fixtures: Ms. Pilato clarified that the fixture replacement is an owner-by-owner request for only those light fixtures that require replacement and noted that the Board approved the style of replacement fixture at the December meeting. No action was required.

Pet Waste Stations - Status of Pet Waste Station Map / Additional Pet Waste Removal Stations / New Service Provider: Ms. Pilato presented the pet waste station map and noted the two additional pet waste station locations.

Potential Amendment to the Policies and Procedures Governing the Enforcement of the Protective Covenants of Westown (as previously adopted pursuant to Resolution No. 2017-07-02): Ms. Pilato stated that she had received comments on the Policies and Procedures for Covenant Enforcement from Directors Baldwin and Iruthayanathan. Attorney Cortese requested Ms. Pilato compile all comments and confer with Altitude Community Law so that the Board could take action at the next Board Meeting.

Parking Matters:

Parking Map. Ms. Pilato presented the Parking Map. Mr. Jacobs noted that the map would be revised to give clear explanation as to the areas designated as alleys vs. driveways.

Amendment to Resolution Regarding Parking Rules and Regulations: Ms. Pilato was directed to review the parking Rules and Regulations to determine if updates were needed per the updated parking map or other issues.

Amendments Design Guidelines of Westown Metropolitan District (the “Design Guidelines”) as previously adopted pursuant to Resolution No. 2019-10-01): Following discussion, Ms. Pilato was directed to compile all comments and confer with Altitude Community Law to present for approval at the next Board Meeting.

Outdoor Grills and Fire Pit Violations: Following discussion, Ms. Pilato was directed to re-check/re-count potential grill violations.

Townhome Satellite Dishes: Following discussion, Ms. Pilato was directed to check with Altitude Community Law regarding satellite dish placement matters.

Snow Removal Services for Alleyways and Driveway Aprons: This matter was discussed earlier in the Board Meeting.

Cost Sharing and Reimbursement Agreement between the District and Westown Condominium Association Inc. No action was taken at this time.

Monthly District Fees; Termination of Express Bill Pay and Engagement of FrontSteps: Following discussion, upon motion duly made by Director Owen, seconded by Director Baldwin, and upon vote unanimously carried, the Board approved termination of Express Bill Pay and engagement of FrontSteps, provided that Ms. Pilato determined the termination period for Express Bill Pay and that there was an overlap of services during the transfer of accounts between the two providers.

LEGAL MATTERS

Letter Agreement between the District and Park 5th Avenue Development Co., LLC (the “Developer”): Attorney Cortese discussed the conveyance of certain tracts of land located within the District from the Developer to the District and related repairs to concrete and drainage systems previously installed by the Developer (collectively, the “Acquisition Items”); noting that the Developer agreed to pay for the irrigation/drainage repair, as well as up to \$100,000 for the concrete repairs.

Following discussion, upon motion duly made by Director Baldwin, seconded by Director Hunter, and upon vote unanimously carried, the Board ratified approval of the Letter Agreement between the District and the Developer.

Irrigation/Drainage Repair: It was noted that Keesen Landscape Management, Inc. Work Order #79648 for drainage repair at Building 15526, had been completed.

Acknowledge Recordation of Special Warranty Deed Conveying Tracts A, B, C, D, E and F, Hometown South Subdivision-Amending No.1, County of Jefferson, State of Colorado to the District: The Board acknowledged the aforementioned Special Warranty Deed Conveying Tracts A, B, C, D, E and F to the District and accepted ownership, operation and maintenance of same.

Public Bid for Concrete Repairs, and Issuance of Request for Proposals (“RFP) or Invitation to Bid pursuant to the Letter Agreement between the District and Developer: Attorney Cortese and Ms. Pilato provided an update and noted that the RFP for concrete repairs was ready to be published. The Board directed staff to proceed with the RFP.

Executive Session Pursuant to Sections 24-6-402(4)(a) and (b), C.R.S. to receive legal advice related to the Letter Agreement and Acquisition Items: It was determined that an executive session was not necessary.

Amanda Summers v. Westown Metropolitan District, Case No. 2020cv31387 (the “Summers Lawsuit”): Attorney Cortese reported that there was no update related to the Summers Lawsuit.

Executive Session Pursuant to Sections 24-6-402(4)(b), C.R.S. to received legal advice related to the Summers Lawsuit: It was determined that an executive session was not necessary.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

There being no further business to come before the Board at this time, upon vote unanimously carried, the Board adjourned the meeting at 7:28 p.m.

Respectfully submitted,

By *Lisa Jacoby*
Secretary for the Meeting