

RECORD OF PROCEEDING

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE WESTOWN METROPOLITAN DISTRICT (THE “DISTRICT”) HELD AUGUST 25, 2021

A Special Meeting of the Board of Directors of the Westown Metropolitan District (referred to hereafter as the “Board”) was convened on Wednesday, August 25, 2021, at 6:07 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 teleconference on Zoom. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Cindy Baldwin, President
Samantha Pearson, Treasurer
Hunter Owen, Secretary
Ashley Copenhaver, Assistant Secretary
Rajeswary Iruthayanathan, Assistant Secretary

Also, In Attendance Were:

Elisabeth A. Cortese, Esq. and Suzanne Meintzer, Esq.; McGeady Becher P.C.
Jerry Jacobs, Brittany Barnett, and Corey Pilato; Timberline District Consulting, LLC
Diane Wheeler; Simmons & Wheeler, P.C.
Gary Esposito; District resident

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST AND QUORUM

Mr. Jacobs 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. Director Copenhaver disclosed that she is a member of the Board of the Westown Community Association, Inc. (“Condominium HOA”). No other potential conflicts of interest were disclosed.

ADMINISTRATIVE MATTERS

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

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 Copenhaver, seconded by Director Iruthayanathan, and upon vote unanimously carried, the Board determined that due to concerns regarding the spread of COVID-19 and the benefit to the control of the spread of the virus by limiting in-person contact, this meeting was conducted 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.

Minutes: The Board reviewed the Minutes of the May 26, 2021 and June 23, 2021, Special Meetings. Following review and discussion, upon motion duly made by Director Iruthayanathan, seconded by Director Baldwin, and upon vote unanimously carried, the Board approved the Minutes of the May 26, 2021 and June 23, 2021 Special Meeting.

Engagement of Timberline District Consulting, LLC: The Board discussed the engagement of Timberline District Consulting, LLC ("Timberline") for District and Community Management Services. Following the discussion, and upon motion duly made by Director Baldwin, seconded by Director Copenhaver, and upon vote unanimously carried, the Board ratified the engagement of Timberline for District and Community Management Services.

The Board further discussed preparation and procedures for Board meetings. The Board requested distribution of the agenda and meeting packet one week prior to a Board meeting. The Board also requested Timberline to update the District's email distribution list and to coordinate with the Condominium HOA regarding inclusion of District Board meeting dates/times in Condominium HOA communications.

PUBLIC COMMENT

Mr. Esposito asked about the broken concrete outside of his condominium building. Attorney Cortese and Timberline asked he provide this information to Timberline so it can be included in discussions with Century Communities ("Century") regarding the plan for repair/replacement of concrete throughout the community.

FINANCIAL MATTERS

Claims: Ms. Wheeler reviewed with the Board the payment of claims for the period ending August 22, 2021, in the amount of \$41,244.91. Following discussion, upon motion duly made by Director Baldwin, seconded by Director Copenhaver, and upon vote unanimously carried, the Board ratified the payment of claims for the period ending August 22, 2021, in the amount of \$41,244.91.

Unaudited Financial Statements and Cash Position: Ms. Wheeler reviewed with the Board the unaudited financial statements and cash position for the period ending July 31, 2021. Following discussion, upon motion duly made by Director Baldwin, seconded by Director Pearson, and upon vote unanimously carried, the Board accepted the Unaudited Financial Statements for the period ending July 31, 2021.

**OPERATION AND
MAINTENANCE
MATTERS**

Contingency Fund: The Board discussed the amount of contingency in the budget and determined to schedule a 2022 Budget Work Session in mid-September with the Budget Committee, which consists of Directors Baldwin and Owen, Ms. Wheeler and Timberline.

Property Management Processes: The Board discussed basic repairs and maintenance services that an employee of Timberline could provide in the community. Discussion ensued regarding the work order process for Timberline to perform certain identified tasks. Following discussion, upon motion duly made by Director Baldwin, seconded by Director Pearson, and upon vote unanimously carried, the Board authorized an employee of Timberline to perform such services.

Dog Waste Stations: The Board discussed the dog waste stations and Timberline explained that there are various levels of service, ranging from providers that will pick up pet waste, and others that will empty waste receptacles and ensure bag supply. Ms. Barnett suggested installing 4-5 more receptacles in the community. Following discussion, the Board directed Ms. Barnett to prepare a map of the proposed locations and to make recommendations at the next meeting.

Keesen Landscape Management, Inc. Change Order for Pet Waste Removal Services: The Board deferred discussion. No action taken.

Termination of Agreement for Pet Waste Removal Services with Doody Calls, LLC: The Board deferred discussion. No action taken.

Mitigation of Grass Located in Dog Relief Area: The Board discussed solutions for the grass condition in the dog relief area. Ms. Barnett suggested aeration and seeding services and noted that a broken sprinkler had been fixed. The Board deferred action pending budget discussions.

Landscape Matters: The Board discussed general landscape matters in the community.

Use of Raw Water vs. Potable Water: Timberline inquired if potable or raw water was being used for irrigation, noting that raw water is cheaper. Attorney Cortese explained there is a fee imposition for potable water services.

Irrigation Walk: Timberline noted that there will be an irrigation walk and requested the Board to provide any comments / feedback for the irrigation walk.

Picnic Table: The Board discussed options for repair/replacing the broken picnic tables. Attorney Cortese explained that Century owns the picnic tables, and that she will ask Century about the picnic tables when she communicates with Century. Following discussion, upon motion duly made by Director Copenhaver, seconded by Director Owen, and upon vote unanimously carried, the Board approved purchasing and installing a new picnic table, pending discussions with Century.

Small Park Matters: The Board discussed refreshing a small park with pea gravel or crushed stone. Following discussion, the Board deferred action pending the budget discussion.

Operations and Maintenance Map: The Board deferred discussion.

Condominium HOA Matters: The Board discussed Condominium HOA matters and inquired about accessibility matters pursuant to the Americans with Disabilities Act (“ADA”) and parking. Timberline noted construction was in accordance with code, and the District is not required to install more than code requires.

Trash Removal Services for Townhomes: The Board deferred discussion.

Installation of Cement Pad and Bench near Arvada Trail: The Board discussed installing a concrete pad for a bench near the Arvada Trail and building 15553.

Following discussion, upon motion duly made by Director Iruthayanathan, seconded by Director Baldwin and upon vote unanimously carried, the Board accepted purchasing a concrete pad and bench, and waiting until spring to install same.

2021/2022 Snow Removal Services: The Board discussed Change Order No. 1 to the Service Agreement for Snow Removal Services with Keesen Landscape Management, Inc. (“Keesen”) to extend the term for 2021/2022 services and to acknowledge the change in rates. Following discussion, upon motion duly made by Director Iruthayanathan, seconded by Director Baldwin, and upon vote unanimously carried, the Board approved Change Order No. 1.

Pool Access and Security Matters: The Board deferred discussion.

Weekend / Emergency Contact for Management Services: Timberline provided its emergency contact phone number, **720-805-7087**, and discussed differences between “emergency” and after hours.

**COVENANT
ENFORCEMENT/
DESIGN REVIEW**

Architectural Review Committee: The Board noted that the Declaration of Covenants and Restrictions of Westown (the “Covenants”) authorize the Board to appoint an Architectural Review Committee of three (3) members. Following discussion, upon motion duly made by Director Iruthayanathan, seconded by Director Owen, and upon vote unanimously carried, the Board appointed Mr. Pilato, Ms. Barnett, and Alyssa Hooper, of Timberline, to the Architectural Review Committee.

Awning Committee: The Board deferred discussion.

Amendment to District Design Guidelines Related to Awnings: The Board deferred discussion.

Policy for Towing Vehicles: The Board discussed vehicle towing issues in the community. Timberline and Attorney Cortese explained that the District cannot tow from City streets and rights-of-way, but can tow for violations within District streets. No action taken.

LEGAL MATTERS

Passage of House Bill 21-1278; Special District Meeting Requirements: Attorney Cortese summarized House Bill 21-1278, explaining that remote meetings are now statutorily acceptable, and that remote meetings held during COVID-19 prior to the passage of House Bill 21-1278 are ratified and approved and actions taken therein enforceable.

Cost Certification and Infrastructure Acquisition: Attorney Cortese summarized discussions with Century regarding acceptance / acquisition items, noting that Independent District Engineering Services, LLC (“IDES”), the District’s cost engineer, is working on its Cost Certification and Infrastructure Acquisition report.

Executive Session: It was determined that an executive session was not necessary.

Concrete Committee - Concrete Repair/Replacement: Attorney Cortese noted that Timberline and the Concrete Committee are working to set a meeting with Century for discussion / negotiations on concrete repair/replacement items.

Drainage Committee - Drainage Issues: The Board deferred the Keesen proposal for drainage issued in the amount of \$3,779.82, pending discussions with Century.

Amanda Summers v. Westown Metropolitan District Case No. 2020cv31387: Attorney Cortese stated there was no update at this time, but that the District’s insurer is funding the District’s defense costs.

Executive Session: It was determined that an executive session was not necessary.

OTHER BUSINESS

The Board thanked Timberline for all its work and stated it is providing great service.

ADJOURNMENT

There being no further business to come before the Board at this time, Director Owen motioned, seconded by Director Iruthayanathan, and upon vote unanimously carried, the Board adjourned the meeting at 8:31 p.m.

Respectfully submitted,

By *Hunter Owen*
Secretary for the Meeting