

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
WESTOWN METROPOLITAN DISTRICT (THE “DISTRICT”)
HELD
AUGUST 16, 2023

A Regular Meeting of the Board of Directors (referred to hereafter as the “Board”) of the Westown Metropolitan District was convened on Wednesday, August 16, 2023, at 6:00 p.m. This Meeting was held via Zoom video teleconference. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Cindy Baldwin, President

Also, In Attendance Were:

Suzanne Meintzer, Esq. and Lisa A. Jacoby; McGeady Becher P.C.

Jerry Jacobs, Corey Pilato and Brittany Barnett; Timberline District Consulting, LLC

Diane Wheeler; Simmons & Wheeler, P.C.

Pam Beningo and Bill Whitney; Members of the Public / Board Candidates

Richard Caudell; Member of the Public / Landscape Committee Member

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST AND QUORUM

Ms. Jacoby 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.

No potential conflicts of interest were disclosed, and it was noted that Directors are residents of the District.

ADMINISTRATIVE MATTERS

Agenda: The Board reviewed the Agenda for the meeting. Following discussion, upon motion duly made and seconded by Director Baldwin, the Board approved the Agenda, as amended.

Meeting Location: The Board entered into discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District’s Board meeting.

Upon motion duly made and seconded by Director Baldwin, the Board determined to conduct this meeting via Zoom video teleconference and encouraged public participation via Zoom. The Board noted that notice of this meeting and Zoom meeting information was duly posted and that the Board had not received any objections to the Zoom meeting or any requests that the means of the meeting be changed by taxpaying electors within the District’s boundaries.

Vacancies on the Board of Directors / Candidate Questionnaires: The Board discussed the vacancies and Ms. Benigno and Mr. Whitney were introduced as interested Board Candidates.

Following discussion, upon motion duly made and seconded by Director Baldwin, the Board appointed Pamela “Pam” Beningo and William “Bill” Whitney to the Board of Directors, subject to confirmation of eligibility and administration of Oaths following the meeting.

Appointment of Officers: Upon motion duly made and seconded by Director Baldwin, the Board appointed the following slate of officers:

President - Cindy Baldwin
Treasurer - Bill Whitney
Secretary - Lisa A. Jacoby (non-elected)
Assistant Secretary - Pam Benigo

Public Comment: There was no public comment.

May 17, 2023 Regular Meeting Minutes: Upon motion duly made and seconded by Director Baldwin, the Board approved the May 17, 2023 Minutes as presented.

FINANCIAL MATTERS

Claims: Ms. Wheeler reviewed with the Board the payment of claims for the period ending August 11, 2023, totaling \$125,486.08.

Upon motion duly made and seconded by Director Baldwin, the Board ratified or approved, as applicable, the payment of claims for the period ending August 11, 2023, totaling \$125,486.08.

Unaudited Financial Statements: Ms. Wheeler reviewed with the Board the unaudited financial statements for the period ending June 30, 2023. There was no statement of cash position presented.

Upon motion duly made and seconded by Director Baldwin, the Board accepted the Unaudited Financial Statements for the period ending June 30, 2023.

2024 Budget Preparation: Upon motion duly made and seconded by Director Baldwin, the Board appointed Simmons and Wheeler, P.C., to prepare the 2024 Budget and confirmed the Public Hearing to consider the 2024 Budget for November 15, 2023, at 6:00 p.m. to be held via Zoom.

2024 Budget Work Session: Discussion ensued regarding scheduling of a Budget Work Session with Board Members and Consultants for the first week in October. Ms. Jacoby was directed to coordinate scheduling of the work session.

**COMMUNITY
MANAGEMENT /
COVENANT
ENFORCEMENT
MATTERS**

Committee Matters:

Contribution to September 4, 2023 “Food Truck” Event: Following discussion, upon motion duly made and seconded by Director Baldwin, the Board determined to contribute up to \$1,000 towards the event planned for September 4, 2023.

Landscape Committee Candidate Questionnaires and Appointments: Following discussion, upon motion duly made and seconded by Director Baldwin, the Board appointed Richard Caudell and Courtney Hubert to the Landscape Committee.

Installation of Dangerous Ice Conditions Signage: Ms. Pilato reported that installation of the signage would occur sometime in September 2023. Discussion ensued with Mr. Caudell regarding revisitation of locations for installation. Upon receipt of a proposal, the Board authorized a Change Order under the contract High Plains Landscape & Water Systems, LLC (“HPL”) for installation of the signage.

DACS Corp. Proposal for Parking Lot Striping: Following review and discussion, upon motion duly made and seconded by Director Baldwin, the Board approved the DACS Corp. proposal for parking lot stripe painting, in the amount of \$950.00.

Landscape Maintenance Matters:

Keesen Landscape Work Order #86757 for 7/11/22 Plant Replacements: Upon motion duly made and seconded by Director Baldwin, the Board ratified approval of the Keesen Landscape Work Order #86757 for 7/11/22 Plant Replacements in the amount of \$9,989.25.

American Floor Mats, LLC Proposal for Rubber Mulch for Playground: Upon motion duly made and seconded by Director Baldwin, the Board approved the Proposal from American Floor Mats, LLC to purchase the rubber mulch for the playground, in the amount of \$8,063.00. Ms. Pilato noted that the rubber mulch is expected to be delivered within 7-10 days.

HPL Rubber Mulch Replacement at Playground: Upon motion duly made and seconded by Director Baldwin, the Board approved the HPL proposal and authorized a Change Order for installation of replacement rubber mulch at the playground, in the amount of \$4,379.50.

HPL Snow Maintenance Services for 10/1/23 – 5/31/24: Upon motion duly made and seconded by Director Baldwin, the Board approved the HPL proposal and authorized a Service Agreement for Snow Maintenance

Services for the 10/1/23 – 5/31/24 season on a Time and Materials basis.

HPL Proposal for (4) Tree Replacements: Upon motion duly made and seconded by Director Baldwin, the Board approved the HPL proposal and authorized a Change Order for (4) tree replacements on West 64th Place, in the amount of \$3,740.00.

Pool Matters: Ms. Pilato reported that the new pool signage has been installed. It was noted that the old signage is bolted to the fence, requiring an additional visit to remove.

Discussion ensued regarding the status of repair to the motorized chair for pool accessibility. It was noted that the new batteries are currently charging, with further possible assessment to determine if the charger also needs replacement.

Amendment to Design Guidelines / Resolution Adopting the Second Amended Design Guidelines of Westown Metropolitan District: Attorney Meintzer summarized the amendment to the Design Guidelines related to illumination of alley lighting during evening hours for health and safety reasons.

Following discussion, upon motion duly made and seconded by Director Baldwin, the Board adopted Resolution No. 2023-08-01 Adopting the Second Amended Design Guidelines.

Amendment to Policies and Procedures / Resolution Adopting the First Amended Policies and Procedures Governing the Enforcement of the Protective Covenants of Westown Metropolitan District: Attorney Meintzer summarized the amendment to the Policies and Procedures related to short-term rentals, offensive conduct and the related penalties and fines for these violation(s).

Following discussion, upon motion duly made and seconded by Director Baldwin, the Board adopted Resolution No. 2023-08-02 Adopting the First Amended Policies and Procedures Governing the Enforcement of the Protective Covenants of Westown Metropolitan District.

Covenant Violation Report / Delinquent Accounts Referred to Covenant Enforcement Counsel: Ms. Pilato reported that one large account was recently paid in full.

Monument Sign and Tree Damage Insurance Claim: Ms. Pilato reported that expenses are still being collected with submission to insurance upon completion. Discussion ensued regarding the overall cost for repairs required.

DaVinci Sign Systems, Inc. Agreement for Monument Sign Repair: Following discussion, upon motion duly made and seconded by Director

Baldwin, the Board approved the DaVinci Sign Systems, Inc. Agreement, in the amount of \$37,927.00.

HPL Tree Replacement: Upon motion duly made and seconded by Director Baldwin, the Board approved the proposal and authorized a Change Order to HPL for tree replacement in the monument area, in the amount of \$850.00.

LEGAL MATTERS

Legislative Changes:

Annual Meeting (“Town Hall”) Requirement (SB23-110): Attorney Meintzer summarized the statutory Annual Meeting “Town Hall” requirements. Discussion ensued regarding the scheduling of the Meeting. Following discussion, the Board determined to schedule the meeting for 5:30 p.m. on November 15, 2023, via Zoom.

Proposition HH Impact on 2024 Budget (SB23-303): Attorney Meintzer and Ms. Wheeler summarized Proposition HH, noting that it will be on the November 7, 2023, Election Ballot, and if passed, it will change the way Assessed Valuation will be calculated. Ms. Wheeler noted that because the District’s budget hearing will occur after this election, she will be able to present a budget dependent upon the outcome of the election.

OTHER BUSINESS

Director Comments: Director Benigno inquired regarding the Special District Association (“SDA”) Annual Conference and regional workshops. Following discussion, Ms. Jacoby was directed to distribute information on the SDA, the SDA Annual Conference and the 2023 Board Member Manual.

ADJOURNMENT

There being no further business to come before the Board at this time, upon vote unanimously carried, the Board adjourned.

Respectfully submitted,

Lisa Jacoby

By _____
Secretary for the Meeting