

LEWIS POINTE METROPOLITAN DISTRICT

Regular Board Meeting Minutes

Meeting Date: Monday February 01, 2021

Meeting Time: 5:34pm to 7:23pm

Meeting Location: Online video conference

I. Roll Call (5:34 pm)

A regular meeting of the Board of Directors of the Lewis Pointe Metropolitan District (District) was called and held as shown above and in accordance with the statutes of the State of Colorado. The following Directors were in attendance:

Directors	Office	Attendance
Pete Adler	President	Present
Amy Jones	Treasurer	Present
Anthony Garcia	Secretary	Present
Robert Maples	Assistant Secretary	Present
Shane Sena	Assistant Secretary	Present

Also, in attendance was Charles Wolfersberger (District Manager) and Jennifer Brink, Wolfersberger, LLC; Jonathan Heroux (Piper Sandler & Co); Susie Ellis (Covenant Enforcement Manager) from Community Preservation Specialists, Inc.; Mike Hoefler and Dale with Environmental Designs Landscaping; Stephanie Ceccato (Paul Rufien Law) as general counsel for the District; and no homeowners.

II. Call to Order

Meeting was called to order by Director Adler. Director Adler noted that a quorum of the Board was present and the Directors confirmed their qualification to serve and, therefore, Director Adler called the regular meeting of the Board of Directors of the District to order.

III. Present disclosures of potential conflicts of interest

The District Manager reminded the board that pursuant to Colorado law, certain disclosures by the Board members may be required prior to taking official action at the meeting. The Board reviewed the agenda for the meeting, following which each director reported no conflicts of interest with the business to be conducted at this meeting.

IV. Public Comments – None

V. Administrative and Contractual Matters

1. Review and consider the minutes for the December 07, 2020 board meeting: The Board reviewed the meeting minutes drafted by the District Manager. Director Maples motioned to

approve the minutes as presented and Director Jones seconded the motion. The Board voted 5-0 to approve the motion.

2. Review and consider the minutes for the November 16, 2020 board meeting: The Board reviewed the meeting minutes drafted by the District Manager. Director Maples motioned to approve the minutes as presented and Director Jones seconded the motion. The Board voted 5-0 to approve the motion.

VI. Landscaping Matters

- 1) Review and discuss landscaping projects with Environmental Designs: Mr. Hoefer thanked the Board for hiring Environmental Designs to be the District's landscaper for 2021. He reported that the landscape crew has already begun work on the common areas by cutting down the ornamental grasses in the open spaces. The crew will be spraying pre-emergent weed chemicals in the planter beds next month.

Mr. Hoefer reviewed the snow plow service agreement with the Board. The Board agreed that Environmental Designs should plow the snow off of the sidewalks in the common areas when snowfall is equal to or exceeds 2 inches during any snowstorm event. The Board also agreed that ice melt should only be applied on those sidewalks that are typically shaded during the day (such as the south side of E 141st Avenue between Grape Street and Holy Street and between Fairfax Drive and Elm Street). Director Adler requested the snowplow services and services to install and remove holiday lights (in November and January, respectively) be included in the overall service agreement with Environmental Designs (as opposed to separate service agreements for these services). Director Garcia motioned to approve amending the service contract with Environmental Designs to reflect all Director requests noted above. Director Jones seconded the motion and the Board voted 5-0 to approve the motion. Mr. Hoefer will submit a revised service contract to the Board review and signature.

Mr. Hoefer reviewed a bid to replace 37 trees across the open spaces within the District for \$29,271.78. He indicated EDI provides a one-year warranty on all trees installed by EDI. Director Adler and Director Garcia noted certain dead trees previously removed from the open spaces are not included in the bid. Director Adler will work with Mr. Hoefer on identifying additional trees that should be installed in open spaces and added to the bid. Director Jones motioned to approve EDI's price per tree reflected in its bid and authorize Director Adler to identify any additional missing trees that should be replaced and add such trees to EDI's bid. Director Garcia seconded the motion and the Board voted 5-0 to approve the motion.

Mr. Hoefer reviewed the bid to install seven ET irrigation controllers and four flow sensors to monitor and manage the irrigations throughout the District's open space landscaping. The total bid price was \$24,683. Mr. Hoefer indicated these controllers would help reduce the volume of water usage across the District and consequently help reduce the District's water bills. The District Manager noted that 21% of the District's budgeted annual operating costs is watering the open space landscaping. Director Maples motioned to approve the bid as presented. Director Garcia seconded the motion and the Board voted 5-0 to approve the motion.

The Board requested Mr. Hoefler provide to the Board to review at the May board meeting a bid to install mulch in the planter beds located across the District's open spaces.

VII. Financial Matters

- 1) Status Update – Bond refinance transaction: Mr. Heroux provided the Board with an update on the status of refinancing the District's bond debt. He reported that the preliminary offering document for the new bonds has been drafted and a meeting has been scheduled later this month with Standard & Poor's to present the proposed bonds to Standard & Poor's for a rating classification.
- 2) Review September 30, 2020 financial statements: The District Manager reviewed the September 30, 2020 financial statements with the Board. The District has collected approximately 99% of all property tax assessments for 2020. For the 9-month period ended September 30th, operating expenses totaled \$278,875 – approximately 52% of budgeted expenditures for the year. The District Manager also reported that a beginning of year adjustment has been recorded to the District's net position to correct the District's accounting for the Developer Advance Agreements. Such Agreements were accounted for as liabilities in prior year even though such Agreements have contingencies that disqualify recognizing amounts accrued under such Agreements as liabilities.

VIII. Covenant Enforcement

- 1) Architectural Committee—Status update: Director Jones provided a brief update regarding the status of design request forms submitted to the Committee for review.
- 2) Review and consider proposed changes to the Design Guidelines regarding sheds: The Board reviewed and discussed at length the proposed amendments to section 2.62 of the Design Guidelines regarding sheds. The Board requested Susie Ellis and Ms. Ceccato review section 2.62 and provide proposed changes to the section. Proposed changes should at a minimum address the following: (1) maximum allowed height for a shed, (2) the minimum allowed distance a shed can be placed to a property line, (3) guidance on whether sheds that are shorter than the backyard privacy fence line are subject to the same design, color and materials requirements as applicable to sheds that are taller than back yard fence lines and/or are otherwise visible from the street.
- 3) Review and discuss expectations regarding covenant enforcement services: The Board briefly discussed inspection expectations for the 2021 year. The Board agreed that all homeowners with dead trees in their yards should receive violation notices and such notices should indicate a compliance deadline of June 15th for every homeowner to replace the dead trees on their respective properties. Director Maples indicated he wants included in the Board meeting packets the list of properties that received violation notices since the last Board meeting.
- 4) Review and consider addendum to service contract with Community Preservation Specialists (CPS): The Board reviewed the proposed addendum to the August 01, 2020 service contract with CPS. Per the Addendum, the District would compensate CPS at the rate of \$50/hour to provide all services related to managing the design review process including (1) collecting and

review of design review request (DRR) forms submitted by homeowners, (2) forwarding such DRR forms to the Architectural Review Committee, (3) reporting Committee decisions regarding each DRR back to the respective homeowners and (4) managing the database of DRR forms reviewed by the Committee. The Addendum would be effective as of February 01, 2021. Director Jones motioned to approve the Addendum as presented. Director Maples seconded the motion and the Board voted 5-0 to approve the motion.

- 5) Review covenant enforcement report: Ms. Ellis reviewed the enforcement report with the Board. For the 12-month period ending on December 31st, Ms. Ellis has levied 5 fines and issued 331 violation notices across the 373-home neighborhood for property maintenance violations and for violations of the Design Guidelines. The Board had no questions regarding the report.

IX. Community Event Planning

- 1) Review and discuss 2021 calendar of District-sponsored events: Director Jones reported that there will be no Easter Egg hunt activity this year due to continuing social gathering restrictions caused by COVID. The Committee plans on starting Thursday evening food truck events in the neighborhood in June. Finally, the Committee is scheduling a community garage sale event for Friday June 11th through Sunday June 13th.

Director Joes reported that certain Committee members recently resigned from the Social Event Committee and Director Jones is now the only member serving on this Committee. She encouraged the Board to reach out to homeowners in the neighborhood to see if any homeowners are willing to volunteer to serve on this Committee.

X. Director Matters

Director Adler reported to the Board that the City plans on installing a traffic light in at 144th Avenue and Holly Street soon. The City is also planning on installing a traffic light at Fairfax Drive and 144th Avenue in the Fall of 2021. Director Adler also requested the District Manager issue Form 1099s to all directors for stipends recently paid to all directors for their board meeting attendance in 2020 and 2019.

XI. Adjournment (7:23 pm)

There being no further business to come before the Board, and upon motion duly made by Director Adler, seconded by Director Garcia and unanimously carried, the meeting was adjourned. The next regular board meeting will be held online at 5:30 pm on Monday May 03, 2021.

DocuSigned by:
Anthony Garcia
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Secretary

5/21/2021
Date