

# **LEWIS POINTE METROPOLITAN DISTRICT**

## **Regular Board Meeting Minutes**

Meeting Date: Monday November 1, 2021

Meeting Time: 5:38pm to 8:35pm

Meeting Location: Trail Winds Recreation Center (13495 Holly St, Thornton)

### **I. Call to Order (5:38 pm)**

A regular meeting of the Board of Directors of Lewis Pointe Metropolitan (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:

<b>Directors</b>	<b>Office</b>	<b>Attendance</b>
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 with Wolfersberger, LLC; Stephanie Ceccato (General Counsel) with Paul Rufien, PC; Jason Johnson and Mike Hoefler (Landscape Manager) with Environmental Designs; and Susie Ellis (Covenant Enforcement Manager) with Community Preservation Specialists. Four homeowners were also in attendance: Craig and Stacey Townsend (14119 Glencoe St) and Thomas and Sharon Pond (4984 E 141<sup>st</sup> Dr).

### **II. Roll Call**

The 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, called the regular meeting of the Board of Directors of the District to order.

### **III. Present disclosures of potential conflicts of interest**

The Board reviewed the agenda for the meeting, following which all directors disclosed no conflicts of interest with the business to be discussed and conducted at the meeting.

**IV. Public Comments** – Craig and Stacey Townsend discussed issues they are having with the City of Thornton regarding concrete they poured extending the driveway on the side of their house. The City says the set back from the property line must be 5 feet but Section 2.23 of the Lewis Pointe Design Guidelines require driveway extensions be no closer than 3 feet from the property line.

## V. Administrative and Contractual Matters

1. Review and consider the minutes for the August 02, 2021 board meeting: The Board reviewed the draft of the meeting minutes presented by the District Manager. Director Jones moved to approve the minutes as presented. Director Sena seconded the motion and the Board voted 5-0 to approve the minutes.
2. Review and consider August 09, 2021 meeting minutes: The Board reviewed the August 09, 2021 meeting minutes. Director Jones motioned to approve the minutes as presented. Director Sena seconded the motion and the Board voted 5-0 to approve the minutes.
3. Review and consider 2022 election resolution: The District Manager presented and the Board reviewed and discussed the 2022 election resolution. Director Jones motioned to approve the 2022 Election Resolution as presented. Director Garcia seconded the motion and the Board voted 5-0 to approve the motion

**Action Item 1:** The District Manager will post the 2022 election resolution on the District's website.

## VI. Landscaping and Capital Asset Matters

- 1) Landscape maintenance report - Environmental Designs: Mr. Mike Hofer briefly reviewed the landscape projects completed by EDI this year - EDI replaced 42 dead trees this year and upgraded 7 sprinkler controllers and installed 4 water flow sensors. The Board discussed their concerns about damage to the landscaping at Fairfax and 144<sup>th</sup> Avenue due to the City's installation of the traffic lights at that intersection. The District manager noted the traffic lights are installed in the right-of-way space owned by the City but maintained by the District.

Director Jones and Director Maples discussed installing holiday lights at the monument sign again this year.

**Action Item 2:** Director Jones will provide a holiday light map to EDI and offered to walk the monument sign area with Mr. Johnson to review locations for holiday lights.

- 2) Review and consider proposal from EDI to install/upgrade landscaping at 144<sup>th</sup> and Fairfax Ave: The Board agreed to defer discussion of this project to the February 8, 2022 board meeting.
- 3) Review and discuss potential capital projects for 2022: The Board discussed potential projects for 2022 including (1) moving the pine tree away from the monument sign (2) installing a pillar in the perimeter fence line behind 14365 Forest St, (3) installing new top caps across all perimeter fence lines.

**Action Item 3:** Ms. Ellis volunteered to contact the City of Thornton to see if the City is responsible for installing the missing brick pillar in the perimeter fence line behind 14365 Forest St. Director Adler will send Ms. Ellis the perimeter fence map that was approved by City of Thornton.

- 4) Review and consider 2022 landscape contract with EDI: The Board reviewed and discussed the 2022 service contract submitted by Environmental Designs. Director Garcia motioned to approve the contract. Director Sena seconded the motion and the Board voted 5-0 to approve the motion.
- 5) Review and consider 2022 snowplow contract with EDI: The Board reviewed and discussed the 2022 service contract submitted by Environmental Designs. Director Garcia motioned to approve the contract Director Sena seconded the motion and the Board voted 5-0 to approve the motion.
- 6) Review and consider bids to repair the perimeter fence lines: The Board reviewed and discussed bids from three fence companies collected by Fence Consulting Services (FCS) to repair various pickets, top caps and posts in the perimeter fence lines owned by the District. Director Jones motioned to approve the bid from Sawicki Fence and Director Garcia seconded the motion. The Board voted 5-0 to approve the motion.

Action Item 4: The District Manager will notify FCS that the Board approved Sawicki Fence’s bid to repair the perimeter fence lines.

Action Item 5: At directed by the Board, the District Manager will request FCS obtain bids to replace the top caps across all perimeter fence lines with 2in x 6in x 8in top caps.

## VII. Financial Matters

**Executive Session-** Director Adler motioned to open executive session at 7:06pm to confer with legal counsel regarding specific issues regarding 2014 Advance and Reimbursement Agreement with Carlson Family pursuant to CRS. 24-6-402(4)(b) and (4)(e)(I). Director Sena seconded the motion and the Board voted 5-0 to approve the motion.

Director Jones motioned to close executive session at 7:30pm. Director Garcia seconded the motion and the Board voted 5-0 to approve the motion.

1. Status update- Vectra Bank credit cards for directors for event management: Director Jones signed the credit card application (for a \$5,000 credit limit) with Vectra Bank.

Action Item 6: District Manager will submit the credit card application to Vectra Bank

2. Public hearing on District’s proposed 2022 budget: Director Adler motioned to open 2022 Budget public hearing at 7:34 pm. Director Jones seconded the motion and the Board voted 5-0 to approve the motion. The District Manager reviewed the proposed 2022 budget. Highlights from the review included the following:

- Preliminary assessed valuation of all land within the District increased approximately \$640,600 from \$15.21 million to \$15.85 million (4.2% increase) – none of which was related to new construction.
- Due to the refinancing of the District’s bonds in April 2021, the District’s annual debt financing costs will drop from \$846,700 in 2021 to \$570,200 in 2022 – a 33% decrease in costs. Starting in 2022 and every subsequent year through 2047, the District’s debt

financing costs should remain stable at approximately \$570,200 each year – regardless of any future changes in property valuations.

- The proposed mill levy to fund the District operations and debt costs in 2022 is 63.104 mills – **a decrease of 23.722 mills (or 27.5%) from the District's 2021 mill levy.** For the 373-home neighborhood, that translates to an average decrease of \$859 savings per house. That is in addition to the \$217/home average decrease in fees/taxes paid to the District in 2021 compared to 2020. So, the average total drop in taxes/fees paid by homeowners to the metro district over the 2-year 2021/2022 period will be \$1,076/house on an annual basis. Considering the range of home values in Lewis Pointe, the savings for individual homes will be in the range of +/- 15% from the average.
- Contributions to the Capital Project Fund in 2022 is budgeted to be \$105,000. Total funds in the Capital Project Fund in 2022 – before factoring in any budgeted expenditures – will be approximately \$179,500. The 2022 budget reflects \$72,000 in capital project costs. Of the \$100,000 contribution to the Capital Project Fund from the April 2021 bond refinance transaction, \$44,000 remains unspent. The \$44,000 must be spent by April 2024 to avoid a change in Federal tax-exempt classification applicable to the bonds.
- Indirect collection costs attributable to the debt fund is estimated to be 30% of the District's general and administrative costs. Collection costs incurred by the District related to the collection of property taxes includes all costs incurred by the District that enable and support the District's ability to collect property taxes revenue. Generally, such costs include (a) operating and reporting compliance costs that protect the District's right to collect property taxes (e.g. financial statement audit fees, fees paid to professionals to prepare mandatory periodic financial and operational reports to the City and State, etc), (b) professional fees related to applying and monitoring accounting controls over the collection of District revenues, (c) costs related to managing the District's annual property tax assessment process and (d) insurance protecting the District from liability exposure that potentially could arise from performing these activities.
- Total budgeted expenditures for landscape maintenance costs in 2022 is \$242,400 – an increase of approximately \$47,500 over 2021. 83% of the budgeted increase is due to budgeting \$14,000 for tree replacement/maintenance in 2021, budgeting \$15,000 for landscape projects and a \$10,000 increase in water costs for anticipated water rate increases in 2022.

Director Adler motioned to close the 2022 Budget public hearing at 7:35pm. Director Jones seconded the motion and the Board voted 5-0 to approve the motion.

3. Consider resolution to adopt 2022 budget, appropriate funds, set mill levies: The District Manager presented the resolution to adopt the 2022 budget, set mill levies and appropriate funds. Director Jones motioned to approve the resolution as presented. Director Garcia seconded the motion and the Board voted 5-0 to approve the motion.

**Action Item 7:** District Manager will file the 2022 budget with the State of Colorado and the mill levy certification with the County Treasurer.

4. Review and consider 2021 audit engagement letter from BF Borgers CPA: Director Garcia motioned to appoint BF Borgers to audit the District's 2021 financial statements conditional upon no changes to the terms and fees in the engagement letter compared to BF Borgers' 2020 audit engagement letter. Director Sena seconded the motion and the Board voted 5-0 to approve the motion.
5. Review and consider 2021 Director Meeting Stipend Schedule: The District Manager presented and reviewed with the Board the 2021 Director meeting stipend schedule. The Board noted the December 2020 special meeting was not included on the schedule. The District Manager distributed the stipend check payments to the Board members during the meeting and will issue an additional stipend check to each board member after the meeting for the December 2020 special meeting.
6. Public hearing on proposed resolution to certify to the County Treasurer the collection – through the 2022 property tax collection process – of certain accrued and unpaid fees and charges on property accounts in accordance with 32-1-1101 CRS: Director Garcia motioned to open 2022 public hearing at 8:08pm regarding the certification of accrued, unpaid fees on property accounts to the Adams County Treasurer for collection. Director Jones seconded the motion and the Board voted 5-0 to approve the motion. The District Manager reported that all homeowners with accrued, unpaid fees exceeding \$150 were notified via mail in October regarding the public hearing. The Board noted no property owners addressed the Board at the meeting or by email protesting the proposed special assessment on their respective properties. Director Garcia motioned to close the public hearing at 8:14pm. Director Jones seconded the motion and the Board voted 5-0 to approve the motion.
7. Review and consider resolution to certify to the County Treasurer the collection of certain accrued and unpaid fees and charges on property accounts in accordance with 32-1-1101: Director Garcia motioned to approve the resolution regarding certification of accrued, unpaid fees on property accounts to the County Treasurer for collection in 2022. Director Jones seconded the motion and the Board voted 5-0 to approve the motion.

**Action Item 8:** District Manager will submit all property accounts with accrued, unpaid reimbursable fees to the County Treasurer by December 1<sup>st</sup> for collection through the respective homeowners' 2022 property tax bills.

## **VIII. Covenant Enforcement**

- 1) Review covenant enforcement reports: Ms. Ellis reviewed the enforcement report with the Board. For the 10-month period ended October 31, 2021, CPS has opened 365 cases, conducted 942 inspections related to cases, issued 265 notices, and assisted with 41 inquiries needing a field inspection, research, or other information. There are 21 properties at the \$100 fine stage, 9 properties at the \$250 fine stage, 2 properties incurring daily fines and 1 property with a pending fine.

Ms. Ellis reported that 95 design request forms have been submitted by homeowners in 2021 through October 31<sup>st</sup>

- 2) Review and discuss outdoor home lighting standards: Ms. Ellis recommended the Board consider adding rules to the Design Guidelines to address jellyfish and similar outdoor lighting systems. Several homeowners have installed these systems and are lighting their homes with holiday lighting throughout the year. with the board the need to look at and make decisions on the Jellyfish lighting, that its beginning to be a problem

Action item 9: Ms. Ellis and Director Maples will draft proposed lighting rules for the Design Guidelines and submit to the Board for review and consideration at the February 8, 2022 board meeting.

- 3) Review and discuss recent changes to state laws impacting the Lewis Pointe covenant-controlled community (Community Preservation Specialist): Ms. Ellis reported on recent changes to Colorado statutes protecting homeowners right to display signs and flags on their properties. The District can still regulate the size, placement and quantity of such displays on homeowners’ properties. The statutes do not protect signs and flags that are commercial in nature.

**IX. Directors Matters**

The Board would like to increase communication within the district by publishing a quarterly newsletter. The Board discussed publishing a newsletter in December listing the Districts accomplishments for the year and then publish another newsletter in January informing homeowners about the District’s board election in May.


Director Jones reported that the Social Committee is working on locating all the veterans who live in the neighborhood and post a thank you sign in their yard.

The Board discussed whether to start providing food at the Board meetings and whether to charge the cost of such food to the District as a meeting cost.

Director Jones requested the Board consider allowing the drafts of board meeting minutes be posted on the District’s website. Director Adler was fine with the request as long as the draft minutes had “Draft” watermarks on the minutes.

**X. Adjournment (8:35pm)**

There being no further business to come before the Board, and upon motion duly made by Director Adler, the meeting was adjourned. The next board meeting is scheduled for Tuesday February 08, 2022 at 5:30 pm at the Trail Winds Recreation Center (13495 Holly St, Thornton, Co 80602)

DocuSigned by:  
  
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2/9/2022

Secretary

Date