

# RECORD OF PROCEEDINGS

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## MINUTES OF THE COMBINED REGULAR MEETING OF THE BOARDS OF DIRECTORS OF THE

### FOSSIL RIDGE METROPOLITAN DISTRICT NO. 1 FOSSIL RIDGE METROPOLITAN DISTRICT NO. 2 FOSSIL RIDGE METROPOLITAN DISTRICT NO. 3

Held: Monday, January 10, 2022, 6:30 p.m.

#### **Attendance**

The combined regular meeting of the Boards of Directors of the Fossil Ridge Metropolitan District Nos. 1-3 was called and held at 6:30 p.m., as shown, in accordance with Colorado law. The meeting was conducted as a virtual meeting. Ms. Blair inquired whether any of the Board members had any potential conflicts of interest on matters coming before the board. Daniel Dominic of District No. 3 stated that he has filed a disclosure of a potential conflict of interest with the office of the Secretary of State, noting that he is the President of the HOA. There were no other conflicts disclosed. The following Directors were in attendance:

#### **District 1:**

Tom Waterman – President  
Craig Brown – Vice President  
Mike McCleary – Treasurer  
Dave McGraw – Secretary  
Terry Larson - Asst. Sec.

#### **District 2:**

Dave McGraw – President  
Terry Larson - Vice President  
Alan Plumhoff – Treasurer  
Theodore Michelsen – Secretary  
Tom Waterman – Assistant Secretary

#### **District 3:**

Craig Brown – President  
Aaron Hochstein – Vice President  
David Wilson – Treasurer  
Daniel Dominic – Secretary  
Mike McCleary – Assistant Secretary

#### **Consultants:**

Sue Blair, District Manager, Community Resource Services  
Marcos Pacheco, District Manager, Community Resource Services  
Mat Birkeness, Retreat Manager, Community Resource Services

#### **Others identified in attendance:**

Gerry Reese  
Alana Bissonnette

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Pete Hendel  
Tom Donovan  
Andrew Amend  
Bob Pries  
Peggy Waterman

**Call to Order** Quorums of the Boards were present, and the Directors confirmed their qualifications to serve. Ms. Blair confirmed that the meeting has been properly noticed. The meeting was called to order at 6:30 p.m.

**Approve Agenda** The Boards reviewed the meeting agenda. Director McCleary (D 1&3) would like to add an item under VI.D. Finance Committee Update. Director Larson (D 1&2) would like add item VII.E. Nelson Pipeline and item VII.F. Release of Retainage. Also, Mr. Birkeness would like to add an item under VII.B. Landscape Item and Policy.

- District 1: Director Brown moved that the Board approve the agenda as amended. Upon a second by Director Waterman, a vote was taken, and the motion carried unanimously.
- District 2: Director McGraw moved that the Board approve the agenda as amended. Upon a second by Director Larson, a vote was taken, and the motion carried unanimously.
- District 3: Director Brown moved that the Board approve the agenda as amended. Upon a second by Director Dominic a vote was taken, and the motion carried unanimously.

**Public Comment** Pete Hendel wanted to talk about the 2022 schedule. He commented on the meeting dates and that a November date is noted but there is nothing scheduled. Ms. Blair will look into this.

## Consent Agenda

### Consent Agenda Items 1-2

1. Approval of the payment of claims for the period ending December 1, 2021
  2. Approve the minutes of the December 6, 2021 Regular Meeting
- District 1: Director Waterman moved that the Board approve the consent agenda. Upon a second by Director McGraw, a vote was taken, and the motion carried unanimously.
  - District 2: Director Michelsen moved that the Board approve the consent agenda. Upon a second by Director Larson, a vote was taken, and the motion carried unanimously.

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- District 3: Director Dominic moved that the Board approve the consent agenda. Upon a second by Director Hochstein, a vote was taken, and the motion carried unanimously.

## Legal

There were none.

## Financial Matters

Business Plan 2022: Director Wilson (D3) reported on the 2022 business plan. He outlined important items contained within the report, but most importantly, the goal to form a committee to evaluate consolidation. He continued to discuss various aspects of the report and thanked the Landscape Committee for their tremendous efforts. He then answered questions from the Boards.

- District 1: Director McGraw moved that the Board approve the 2022 business plan. Upon a second by Director Brown, a vote was taken, and the motion carried unanimously.
- District 2: Director Larson moved that the Board approve the 2022 business plan. Upon a second by Director Waterman, a vote was taken, and the motion carried unanimously.
- District 3: Director Wilson moved that the Board approve the 2022 business plan. Upon a second by Director McCleary, a vote was taken, and the motion carried unanimously.

Consider Adoption of 2022 Annual Administrative Resolution: Ms. Blair reported on the resolution and outlined important items contained within. The first page will be updated with an accurate attendance record. It was reported that all deadlines were completed and met in 2021.

- District 1: Director McCleary moved that the Board adopt the 2022 annual administrative resolution. Upon a second by Director Waterman, a vote was taken, and the motion carried unanimously.
- District 2: Director McGraw moved that the Board adopt the 2022 annual administrative resolution. Upon a second by Director Larson, a vote was taken, and the motion carried unanimously.
- District 3: Director Dominic moved that the Board adopt the 2022 annual administrative resolution. Upon a second by Director Brown, a vote was taken, and the motion carried unanimously.

Work Group Session on Fees– February 8, 2022: Director McCleary (D 1&3) reminded everyone that there will be an open work group session to discuss adopting the private access area policy and fees that could be assessed related to

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that policy. This will replace the “maintenance fee areas”. He suggested that everyone affected by this be present in the meeting. It will be an open forum.

Finance Committee Update: Director McCleary (D 1&3) announced that Director Plumhoff (D2) will be the official chair of the committee and it will be reflected in the minutes of the meeting.

## **Maintenance and Operations Matters**

Landscape Update: Mr. Hendel stated that the written reports should be provided 4 times per year. After looking at the meeting schedule, he will provide them in March, July, October, and December. He proceeded to provide details on items that the Committee has completed throughout 2021. He outlined new projects that will need attention this year. Director Larson (D 1&2) asked questions related to the removal of the grasses that are already marked. Mr. Hendel noted that they will be removed, and the holes will remain until they are replaced.

Mr. Birkeness then added his item as added via the amended agenda. Schultz has noted an issue in Filing 16. Tree stakes in the area need to be addressed. They provided a proposal to remove these stakes and noted that his work should be completed sooner rather than later. The cost is just under \$2,400 for Filing 16. Director Dominic (D3) noted that some trees are new and it could be too soon to remove stakes, but he was also concerned that these might be the responsibility of Brookfield. Director Waterman (D 1&2) asked for the reasoning and rush to remove the stakes now. Mr. Birkeness responded that it isn’t necessarily urgent, but it could cause scarring to the trees. There was continued conversation and discussion surrounding the process and the precedent it could set. This will be discussed further at the March meeting.

Community Manager and Retreat Update: Mr. Birkeness reported to the Board that there have been 8 private events since the last Board meeting. Jeffco health guidelines were followed during each event. Fitness classes were on the patio for most of December but they have since moved inside. The pool contractor will be back in April. Concrete work is still going on and he is scheduling a walk through later this week. A printer was purchased as the old one had issues. Cleanings have been scheduled. With the number of events, cleanings are happening frequently. The accordion doors will be worked on tomorrow. Furnaces are back up and working. In the fitness building, there are two units. One unit had a motor issue. Also, there is one in the retreat that is showing some errors. The contractor is working on warranty items but is working on proposals for fixes otherwise. He is working to talk with all Committees to look at what this year looks like. Director Waterman (D 1&2) asked what the assessed damage was from the wind. Mr. Birkeness outlined several items that were affected, and the steps being taken for

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each to return the items back to original condition. Director Waterman also noted that the Christmas decorations have been taken down, but the clock tower chimes have not changed quite yet. Director Larson (D 1&2) noted that there is a missing stop sign and asked what the immediate steps will be. Mr. Birkeness spoke with the City of Lakewood, and they provided a quick temporary sign. Director McCleary (D 1&3) noted that there was a streetlight on Indiana that appeared to be hanging by a wire. Mr. Birkeness noted that Xcel has already been contacted about this light and there was also another light that was reported to Xcel. It was noted that if there is a light needing attention, report it to either Xcel or the Retreat.

Mr. Birkeness continued and displayed a document that outlined the potential to allow the Retreat Manager to authorize purchases or expenditures up to \$1,000. Board approval would still be needed beyond that amount. In March, this will be presented for final approval.

Engineer Update: Director Larson (D 1&2) reported that there are a lot of action items being worked on as a District. He has been meeting with Brookfield regarding the unaccepted filings and they are working on acceptance items. A walk was performed with a Brookfield representative and the purpose was to look at the water quality ponds. When the tributary was being evaluated, water quality pond 4 was carrying excess water. The other ponds were also evaluated. During the recent windstorms, trash has ended up in the ponds. Brookfield was notified that they needed to work on that. Also, he reported that Brookfield is awaiting a response from lawyers related to pond B2 augmentation plan. With light poles, they were supposed to be operational on January 1, but the date continues to move out. Wires are being pulled and control boxes are being installed. Next, in Filing 19, which is townhouses, Brookfield has received permits for two buildings which will result in 9 townhomes. In Filings 18 and 20, they must get approval from the City for Filings 14, 15, and 16 first, before building permits can be applied for.

2022 Landscape Reimbursement Agreements: Director Larson (D 1&2) reported that last year, we worked it out with Brookfield to take care of Filings 15-16 landscaping. We offered a proposal to Brookfield for this to be performed by the District and reimbursed by Brookfield. In addition to this, Brookfield thought it best that snow removal be treated the same way. As far as Filings 13, 14, Orchard Park, and Lower Tributary, it was also evaluated to be the best course of action to have a reimbursement agreement in place for landscaping. This is for 2022 only. Director Brown (D 1&3) noted that everyone needs to be aware that eventually, these areas will become FRMD property, and the District will then be responsible for the costs in whole. Director Waterman (D 1&2) added that we need to recognize director Larson's involvement with negotiating these agreements.

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- District 1: Director Brown moved to ratify the reimbursement agreements for the 2022 landscaping. Upon a second by Director McGraw, a vote was taken, and the motion carried unanimously.

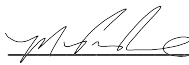
Release of Retainage: Director Larson (D 1&2) reported to the Board it was determined that both Martin Marietta and Nelson Pipeline had completed their scope of work over a year ago. Work performed however, has not been formally accepted by the City of Lakewood. Barney Fix stated both contractors completed their scope of work. Extensive discussion took place surrounding the topic. The amounts of retainage owed to Martin Marietta is \$17,904.69 and the amount owed to Nelson Pipeline is \$4,998.80, \$3,116.29 held by Brookfield and \$1,882.51 held by the District. Director Larson indicated that he would work with the District's accounting team to ensure this money is moved accurately and timely.

- Director McGraw moved to approve the release of retainage owed to Martin Marietta in the amount of \$17,904.69. Upon a second by Director Waterman, a vote was taken, and the motion carried unanimously.
- Director McGraw moved to approve the release of retainage owed to Nelson Pipeline in the amount of \$1,882.51. Upon a second by Director Waterman, a vote was taken, and the motion carried unanimously.

## **Adjournment**

There being no further business to come before the Boards, the meeting was adjourned at 7:57 p.m. by unanimous vote.

Respectfully submitted,

  
Secretary of the Meeting