

# 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, May 13, 2024, 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 held in person at the community center, The Retreat 15250 W Evans Ave. Lakewood CO 80228. Mr. Birkeness inquired whether any of the Board members had any potential conflicts of interest on matters coming before the board. There were no conflicts disclosed. The following Directors were in attendance:

#### **District 1:**

Tom Waterman – President  
Dave McGraw – Vice President  
David Wilson – Treasurer  
Terry Larson – Secretary  
Mike Walker - Asst. Secretary

#### **District 2:**

Terry Larson – President  
Ted Michelsen - Vice President  
Alan Plumhoff – Treasurer  
Gerry Reese - Secretary  
Tom Waterman – Assistant Secretary

#### **District 3:**

Aaron Hochstein – President  
Mike McCleary – Treasurer  
Alana Bissonnette – Assistant Secretary

#### **Consultants:**

Mat Birkeness, District Manager, Community Resource Services  
Phil Schneider, Community Manager, Community Resource Services

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

Peggy Waterman  
Nancy Reese  
Laura Pauglianti  
Debbie Hoffman  
Terry Smith  
Dennis and Barb Driscoll

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Leann McGraw  
Penny and Rich Benjamin

## Call to Order

Quorums of the Boards were present, and the Directors confirmed their qualifications to serve. Mr. Birkeness confirmed that the meeting has been properly noticed. The meeting was called to order at 6:31 p.m. Director Bissonnette disclosed she is serving on the HOA board as well.

District 3: Director Hochstein moved to excuse the attendance of Directors Amend and Taylor. Upon second by Director McCleary, a vote was taken, and the motion carried unanimously.

## Public Comment

Dennis Driscoll offered comment regarding Orchard Park court and the impacts of pickleball and after hours usage. He noted, his bedroom is 36' from the court and his property line is 16' from the court. As a 45 year sound engineer, he is asking the board for consideration of a tiered approach to mitigate issues at the court. 1. Hours of operation reduced, 2. If hours are not adhered to, prohibit pickleball, and 3. If both fail, close the court entirely

Rich Benjamin also provided comment regarding Orchard Park operations. He has encountered negative interactions at the court. He is seeking court rules to be applied and the court to be limited to resident use only.

Kimberly Gardner also weighed in on the Orchard Park court. She noted the noise is disturbing from users. The lack of respect from users to nearby residents and that she has since relocated in the community away from the court.

Terry Smith added he used to live nearby to a tennis court and members were issued keys for access and for the board to consider this action.

## Consent Agenda

The Boards reviewed the consent agenda.

- District 1: Director Larson moved to approve the consent agenda as presented. Upon second by Director McGraw, a vote was taken, and the motion carried unanimously.
- District 2: Director Michelsen moved to approve the consent agenda as presented. Upon second by Director Reese, a vote was taken, and the motion carried unanimously.
- District 3: Director Hochstein moved to approve the consent agenda as presented. Upon second by Director McCleary, a vote was taken, and the motion carried unanimously.

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**Financial Matters** 2024 Q1 Variance Reports: Director Reese reported and disclosed all funds have a positive balance. Director Reese, on behalf of the finance committee, asked the board to consider approval to combine Reserve fund with Capital Project fund, for 2025.

- District 1: Director Wilson moved to combine the Reserve fund with the Capital Projects Fund in 2025. Upon second by Director McGraw, a vote was taken, and the motion carried unanimously.

Variance report acceptance:

- District 1: Director Waterman moved to accept the reports as presented. Upon second by Director Walker, a vote was taken, and the motion carried unanimously.
- District 2: Director Michelsen moved to accept the reports as presented. Upon second by Director Waterman, a vote was taken, and the motion carried unanimously.
- District 3: Director Bissonnette moved to accept the reports as presented. Upon second by Director McCleary, a vote was taken, and the motion carried unanimously.

Fee Schedule Modifications: Director McCleary presented to the boards regarding the potential changes to some fee areas due to rising costs associated with their specific PAA#.

- District 1: Director McGraw moved to approve the new fee schedule. Upon second by Director Waterman, a vote was taken, and the motion carried unanimously.
- District 2: Director Reese moved to approve the new fee schedule. Upon second by Director Larson, a vote was taken, and the motion carried unanimously.
- District 3: Director Hochstein moved to approve the new fee schedule. Upon second by Director Bissonnette, a vote was taken, and the motion carried unanimously.

## **Maintenance and Operations Matters**

Landscape Update: Mr. Birkeness updated the boards on the landscape vendor's current efforts and areas of focus.

Mr. Birkeness presented a proposal for trees to be planted in filings previously not

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under the scope of work for FRMD.

- District 1: Director Wilson moved to approve the tree proposal. Upon second by Director Waterman, a vote was taken, and the motion carried unanimously.

Mr. Birkeness presented a rock installation proposal where previously mulch was installed. These areas were also not previously under the scope of work for FRMD. Budgeting modifications were discussed. The cost of replacing mulch with rock exceeds the F13-15, Trib Trees and Shrubs budget of \$125,000 for this area by \$30,000 (total of \$155,000). The Board decided to reduce the budget for F1-12 Trees, Shrubs, and grasses from \$125,000 to \$95,000 to keep the overall budget balanced.

- District 1: Director McGraw moved to approve the rock proposal. Upon second by Director Walker, a vote was taken, and the motion carried unanimously.

Orchard Park Court Operations: Due to resident complaints about the court, the board opened the topic to residents to weigh in during the open discussion. Extensive discussion occurred amongst the board members and residents. Many topics were raised that are troublesome for operations. Pickleball play was the focus amongst the residents seeking change from the boards. For the next board meeting, further research for enforcement, implementation, and resident use will be presented.

- District 1: Director Waterman moved to prohibit pickleball at the court as of July 1, 2024. Upon second by Director McGraw, a vote was taken, and the motion carried. Director Larson opposed the motion.
- District 2: Director Michelsen moved to prohibit pickleball at the court as of July 1, 2024. Director Reese, seconded and a vote was taken, and the motion carried. Director Larson opposed the motion.
- District 3: Director McCleary moved to prohibit pickleball at the court as of July 1, 2024.. Upon second by Director Bissonnette, a vote was taken, and the motion carried unanimously.

Signage will be posted at the courts. Email notifications will be sent and postings to the District website for notice of the pickleball prohibited play at Orchard Park.

Retreat and Pool Update: Retreat and Pool Committee Chair Peggy Waterman presented the current committee work and focus.

-Retreat Parking: Peggy Waterman presented the concerns regarding the parking capacity at the facility. A memo was provided outlining suggestions and best practices for the usage of the Retreat.

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-Retreat Event Capacity: Peggy Waterman presented a memo for board consideration limiting the capacity volume at the Retreat for all events.

- District 1: Director Wilson moved to approve the capacity limits for events at 100 people for standard events, 125 for weddings and 245 for social committee indoor/outdoor events. Upon second by Director Larson, a vote was taken, and the motion carried unanimously.

Retreat and Community Report: Mr. Schneider presented the ongoing projects and recent work completed.

-Consideration of Water Damage proposal in bridal room: Mr. Schneider noted the proposal could be exceeded if extensive damage is found for repair. He will report to the board once the vendor can access the damage.

- District 1: Director McGraw moved to approve the proposal presented. Upon second by Director Larson, a vote was taken, and the motion carried unanimously.

Street Signs Update: Director Walker presented the recent update for signs work in the community. He noted some items have been in backlog and others are recent events.

- District 1: Director Walker motioned to approve the sign proposal with a not to exceed of \$7,500. Upon second by Director Wilson, a vote was taken, and the motion carried unanimously. It was noted the signs funding will be from the reserve fund.

Engagement Committee Update: Director McGraw presented the recent meet up at the Retreat focusing on landscaping. He noted it was a good session and new volunteers have an interest in the landscape committee.

Engineer Report: Directors Larson presented two items for consideration. A proposal for Kilmer Park to recut a swale for proper water drainage flows. And a wall repair proposal.

- District 1: Director Walker moved to approve the Kilmer Park proposal as presented with a NTE of \$6,000 to include weed block fabric. Upon second by Director Larson, a vote was taken, and the motion carried unanimously. The Reserve Study fund will supply the cost of this proposal.
- District 1: Director Wilson moved to approve the wall work proposal for wall

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WW10. Upon second by Director McGraw, a vote was taken, and the motion carried unanimously. The Reserve Study fund will supply the cost of this proposal.

## **Legal Matters**

Litigation Update: Director Waterman provided an overview of the two legal cases against the District. He provided dates regarding the bond litigation case and discussed the status of the Green Mountain Water and Sanitation case with Brookfield. He noted supporting documents have been posted to the District website.

## **Second Public Comment**

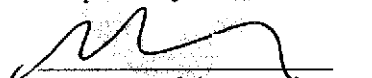
None.

## **Adjournment**

There being no further business to come before the Boards, the meeting was adjourned at 8:51 p.m. as follows:

- District 1: Director Wilson motioned to adjourn. Upon second by Director Waterman, a vote was taken, and the motion carried unanimously.
- District 2: Director Michelsen motioned to adjourn. Upon second by Director Reese, a vote was taken, and the motion carried unanimously.
- District 3: Director Hochstein motioned to adjourn. Upon second by Director Bissonette, a vote was taken, and the motion carried unanimously.

Respectfully submitted,

  
Secretary of the Meeting