

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

OF THE

HUNTING HILL METROPOLITAN DISTRICT

Held: Monday, September 9, 2019 at 1:00 p.m. at Douglas County Libraries, Highlands Ranch Branch, 9292 Ridgeline Boulevard, Event Hall B, Highlands Ranch, Colorado.

Attendance:

A regular meeting of the Board of Directors of the Hunting Hill Metropolitan District was scheduled in compliance with the laws of the State of Colorado, with the following directors in attendance:

Kathryn Neely, President
David Hoffman, Secretary
Al Sullivan, Treasurer
Chris Nelson, Assistant Secretary

The following director was absent:

Alec Garbini, Assistant Secretary

Also present were: Jennifer L. Ivey, Icenogle Seaver Pogue, P.C.; Kevin Collins and Mathew Vigil, CliftonLarsonAllen, LLP; Ron Harris, Advance HOA Management, Inc. (*via telephone*), Cindy Myers, Century Communities, Brian Maise, Burg Simpson Eldredge Hersh & Jardein, P.C.; Linda Wilson, Linda Wilson Strategic Communications, Roman Jauregui, Mike Kelman and Jon Chessar, CDOT; and the following District residents: Alex Goins, Joan Goins, Rita J. Cary, Darla Pierce, Mary Gutkowski, Pat Havener, Kenneth Stuckey, Rose Ann Hazzard, Janet Gibley, Keith Warner, Chris Voss, Vern Voss, Karen Trott, Kevin Barré, Marie Barré, Doug Robertson, Bruce Campbell, Larry Bultena, Gail Hogge, Kathy McConathy, Tom McConathy, Dick Kraft, Chris Beery, Margie Beer, Dorothy Sullivan, and Judy Marturano.

RECORD OF PROCEEDINGS

Call to Order/ Declaration of Quorum:

Director Neely, noting the presence of a quorum, called to order the regular meeting of the Board of Directors of Hunting Hill Metropolitan District at 1:00 p.m.

Introductions:

The Board members and consultants each introduced themselves.

Directors Matters/Disclosure Matters:

Ms. Ivey advised the Board of Directors that pursuant to Colorado law, certain disclosures may be required prior to taking official action at the meeting. The Board of Directors reviewed the agenda for the meeting, following which each director confirmed the contents of written disclosures previously made, if any, stating the fact and summary nature of any matters, as required by Colorado law, to permit official action to be taken at the meeting. Additionally, the Board of Directors determined that the participation of the members present was necessary to obtain a quorum or otherwise enable the Board to act.

Director Sullivan reported that he had disclosed the following conflicts of interest: 1) he is an owner of property in the District boundaries, and 2) he has no financial interest in connection with official action of the district.

Director Hoffman reported that he had disclosed the following conflicts of interest: 1) he is an owner of property in the District boundaries, and 2) he has no financial interest in connection with official action of the district.

Director Neely reported that she had disclosed the following conflicts of interest: 1) she is an owner of property within the District boundaries, and 2) she has no financial interest in connection with official action of the District.

Director Nelson reported that he had disclosed the following conflicts of interest: 1) he is an owner of property within the District boundaries, and 2) he has no financial interest in connection with official action of the District.

Ms. Ivey advised that written disclosures of these interests were filed with the Secretary of State at least seventy-two hours prior to the meeting.

RECORD OF PROCEEDINGS

Approval of/Additions To/
Deletions From the Agenda:

After review and discussion and upon motion of Director Sullivan and second of Director Hoffman, the Board unanimously approved the agenda as presented.

Ms. Ivey noted that the December 9, 2019 would be held on the date and at the time of the regularly scheduled meeting but would be a special meeting due to the change in location.

Public Comment for Items Not
on Agenda:

None.

Presentation re CDOT C-470
Sound Wall

Mike Kelman and Jon Chessar with CDOT discussed with the Board and members of the public CDOTs plans for the sounds wall between the community and C-470. The following items were stated:

- The construction of the sound wall is somewhat behind schedule but CDOT is trying to get it underway as soon as possible and it is anticipated to be underway by Spring 2020;
- The height of the sound wall varies between approximately 8 feet and 15 feet depending on location;
- The area will be seeded after construction with, likely, native grass and added to CDOT's maintenance program;
- After a discussion of the federal criteria for determining the needs for and design of a sound wall, this section of sound wall is deemed to provide reasonable and feasible sound mitigation; and
- CDOT will not use Pisa Lane for access to the sound wall once that road is closed by Century Communities once they begin their construction work.

Ms. Myers and Wilson and Messrs. Jauregui, Kelman and Chessar departed the meeting at this time.

Approval of Minutes:

Ms. Ivey noted that revised minutes of the July 1, 2019 special meeting correcting typographical errors spotted by Director Neely had been prepared. After review and discussion and upon motion of Director Nelson and second of Director Neely, the Board unanimously approved the minutes of the June 10, 2019 regular meeting and the July 1, 2019 special meeting of the Board, as corrected.

RECORD OF PROCEEDINGS

Management Report:

Mr. Harris reviewed with the Board his District Management Report which was included in the meeting packet. The following items were discussed in detail:

- Mr. Harris noted that volunteers from the local school would not be available to perform painting work but that Mr. Clark had originally painted the curbs and ramps in the District and still has left over paint that he could use for repairs and would power wash any areas to be painted in preparation for the work. After further review and discussion and upon motion of Director Neely and second of Director Hoffman the Board approved a contract with Mr. Clark for the painting of the curbs and ramps in an amount not-to-exceed \$2,300.
- Mr. Harris stated that he is still working on getting a formal quote from Denver Asphalt & Concrete for this year's filling of cracks and transition joints along Primo Road and on adjacent sidewalks but he anticipates the cost will be less than \$5,500. It was noted that there may be some damage to Primo Road due to construction traffic from Century Communities. Another member of the public noted that no damage occurred with the construction traffic from Richmond. After further review and discussion and upon motion of Director Neely and second of Director Hoffman the Board approved a contract with Denver Asphalt & Concrete for filling of cracks and transition joints along Primo Road and on adjacent sidewalks in an amount not-to-exceed \$5,500.

Landscape Committee Report:

Ms. Voss reported on the activities of the Landscape Committee, including, but not limited to, meeting with Century Communities to ascertain the boundaries of the area they will be grading and excavating and the attendant impacts on the existing landscaping in those areas, transplanting of trees and other items that can be salvaged from the area impacted by Century Communities, the new mulch that is being applied to 90 trees and 11 beds, checking of the drip lines to ensure adequate irrigation, collection of \$3,200 in donations this year, and scheduling of the fall clean-up by Absolute Lawncare, LLC for September 28, 2019. Director

RECORD OF PROCEEDINGS

Sullivan thanked the Landscape Committee for the hard work and noted that money needs to be allocated in the 2020 budget for professionals to be engaged by the District to perform this work.

Snow Removal Proposals:

Mr. Harris reviewed with the Board the proposal from Absolute Lawncare, LLC to continue snow removal services with a slight rate increase and the proposal from American Blade to perform the work at prices slightly lower than those proposed by Absolute Lawncare, LLC. It was noted that American Blade previously performed snowplowing services in the District several years ago but they were replaced when the District decided to let a lawn maintenance and snow removal contract with one company. It was noted that there is some time spent getting contractors up to speed and that Absolute Lawncare, LLC is now up to speed, while it might take time to reacquaint American Blade with the scope of the work. Concerns were voiced regarding the ability of Absolute Lawncare, LLC to remove ice build up from repeated freeze and thaw cycles like those experienced last year. Mr. Harris stated that neither company has the necessary equipment for that work but that he believed either company could subcontract the work. After further review and discussion and upon the motion of Director Nelson and second of Director Sullivan the Board determined it would renew the contract with Absolute Lawncare, LLC at the slightly increased rates.

Legal Matters:

Update on Agreements with Century Communities:

Ms. Ivey noted that the agreements with Century Communities have all been finalized as authorized by the Board, that Century Communities has reimbursed the District for the legal costs related thereto, and that Century Communities was very professional, responsive, and easy to work with throughout the process.

Financial Matters:

Payment/Ratification of Claims:

Mr. Collins noted that a list of claims will be provided for the December meeting.

Report of Finance Committee:

Director Sullivan reviewed the past activities of the Finance Committee and stated that based on the authorization provided by the Board at the June 10, 2019 regular meeting that Brian Maise, Burg Simpson Eldredge Hersh & Jardein, P.C., was

RECORD OF PROCEEDINGS

engaged by the District to review the District's advance and reimbursement and facilities acquisition agreement and the outstanding advances thereunder, obligations to repay the same, and financial status.

Consider Approval of Financial Statements:

Mr. Collins reviewed with the Board the July 31, 2019 financial statements. The Board noted that Richmond is behind on the projections for number of building permits it would pull this year and this is creating a potential shortfall in the District's budget. Mr. Collins noted that this would result in less funds being available for transfer from the general fund to the capital projects fund. After review and discussion and upon motion of Director Neely and second of Director Sullivan, the Board unanimously accepted the financial statements as presented.

Executive Session:

Upon motion of Director Sullivan and second of Director Neely, the Board unanimously voted to enter into an Executive session pursuant to Sections 24-6-402(4)(b) and 24-6-402(4)(e), C.R.S. for the purpose of receiving legal advice on specific legal questions and determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding potential claims, developer advances and reimbursements, and the District's financial status at 2:35 p.m.

Mr. Harris and all remaining members of the public departed the meeting at this time. Members of the Board, Ms. Ivey and Messrs. Collins, Vigil, and Matise participated in the Executive Session.

Upon motion by Director Hoffman and second by Director Sullivan, the Board unanimously voted to exit the Executive session and reconvene the regular meeting at 3:24 p.m.

Upon motion by Director Sullivan and second by Director Hoffman, the Board unanimously voted to revoke its December 11, 2017 offer of a Second Amendment to the Advance and Reimbursement and Facilities Acquisition Agreement.

Upon motion by Director Sullivan and second by Director Hoffman, the Board unanimously voted to authorize Mr. Matise to send a letter to Verona Building Co., LLC c/o Mr.

RECORD OF PROCEEDINGS

Fulton offering to release Mr. Fulton, Verona Building Co., LLC, and related parties from a number of potential claims in exchange for an acknowledgement that no advances are owed by the District to Verona Building Co., LLC and the Advance and Reimbursement and Facilities Acquisition Agreement is terminated.

Mr. Matisse departed the meeting at this time.

Other Business:

The Board provided the following direction to Mr. Collins in connection with the preparation of a draft of the 2020 budget:

- Include approximately \$20,000 for additional landscape/gardening services;
- Include additional money in the snow removal budget item for removal of snow/ice build-up; and
- Engage in discussion with Richmond regarding a realistic estimate of the number of building permits that they will be pulling in 2020.

Adjournment:

There being no further business to come before the Board, the meeting was adjourned upon motion by Director Neely, second by Director Hoffman and unanimous vote at 3:35 p.m.


Secretary