

## RECORD OF PROCEEDINGS

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MINUTES OF A SPECIAL MEETING OF  
THE BOARD OF DIRECTORS OF THE  
SPRING MESA METROPOLITAN DISTRICT (THE “DISTRICT”)  
HELD  
JUNE 13, 2024

A special meeting of the Board of Directors of the Spring Mesa Metropolitan District (referred to hereafter as the “Board”) was convened on Thursday, June 13, 2024, at 6:00 p.m. at the Arvada YMCA, 6530 Eldridge Street, Arvada, CO 80004 and via Microsoft Teams. The meeting was open to the public.

### ATTENDANCE

#### Directors In Attendance Were:

Jo Gentry, President  
Wayne Harris, Secretary  
Lawrence Seidl, Treasurer  
Georgia Magnera, Assistant Secretary  
Caron Holmes, Assistant Secretary

#### Also, In Attendance Were:

Lisa Johnson, Alex Clem, Ashley Heidt and Yelena Primachenko;  
CliftonLarsonAllen LLP (“CLA”)  
Laura Heinrich, Esq.; Spencer Fane LLP  
Travis and Erin Morris, Dave Coleman, Jaime Knight, Michelle Bailon and  
Jerry Gentry; Members of the public

### ADMINISTRATIVE MATTERS

**Call to Order and Agenda:** The meeting was called to order at 6:01 p.m. Following review, upon a motion duly made by Director Gentry, seconded by Director Magnera and, upon vote, unanimously carried, the Board approved the agenda, as amended, to include “Tree Removal Policy” as Item F under Director Matters.

**Disclosures of Potential Conflicts of Interest:** The Board discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with statute. It was noted that disclosures of potential conflicts of interest were filed with the Secretary of State for all directors, and no additional conflicts were disclosed at the meeting.

**Quorum, Location of Meeting and Posting of Meeting Notices:** A quorum of the Board, the location of the meeting and posting of the meeting notice was confirmed.

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**Public Comment:** There were no public comments.

### CONSENT AGENDA

The Board considered the following items for approval:

- Minutes of the April 11, 2024 Regular Meeting

Following review, upon a motion duly made by Director Gentry, seconded by Director Holmes and, upon vote, unanimously carried, the Board approved the Consent Agenda item, as presented.

### DIRECTOR MATTERS

**Landscape and Pond Maintenance Services:** Director Gentry provided an update to the Board, noting that she has been working with EDLLC regarding landscaping concerns from the community. EDLLC assured the Board they will improve.

Director Gentry has also been working with Cutting Edge, LLC. Cutting Edge informed the District that the ground is very dry, asking EDLLC to adjust their watering zones. Director Magnera had concerns with the trees on 76<sup>th</sup> Drive, stating they are not thriving as hoped. Director Gentry will work with Cutting Edge in hopes of reviving the trees. If they do not improve, Director Gentry will get options as to what can be installed in their place.

Director Gentry continued to provide an update from TLC Landcare, sharing that they will be completing the fire mow within the next couple of weeks.

Director Seidl shared concerns regarding the amount of beauty band mowings that EDLLC had in their contract. Two of the three beauty band mowings have already been completed. Discussion ensued. Director Gentry will work with all landscaping contractors to get proposals for increased beauty band mowing for the rest of the year. She will also develop a new map for summer mowing.

The Board would like to submit a negotiation of fees to EDLLC, requesting that a month's payment amount be refunded.

Lastly, Director Harris provided an update on the current state of the ponds. All ponds are filled and pumps are running. Director Seidl will get photos and locations of where water lilies are in the ponds.

**Backflow Testing:** Director Gentry provided an update to the Board regarding backflow testing, stating that it has been taken care of.

**Broken Irrigation Control Boxes:** Director Gentry provided an update to the Board stating that she has reached out to TLC Landcare and EDLLC regarding the replacement of the broken irrigation boxes. She

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will send the proposal and cost per box to CLA.

Upon a motion duly made by Director Magnera, seconded by Director Seidl and, upon vote, unanimously carried, the Board authorized up to \$500.00 to purchase lids for the irrigation boxes missing lids.

**Committee of the Board to Prepare a Multi-Year Plan for the Beautification of Spring Mesa:** Director Seidl voiced his concerns regarding the worn-down appearance of the community. He would like to establish a committee to enact a beautification plan. Director Seidl's wish is for this plan to take place over the next couple of years to make community improvements. He would like the District to reach out to the community to solicit any interest from residents in joining the committee.

Upon a motion duly made by Director Gentry, the Board authorized the creation of a Committee and appointed Director Seidl as the Board chair.

**Fire Mitigation for Native Open Space:** Director Gentry provided an update on fire mitigation mowing to the Board. If approved, the work will take place within the upcoming weeks. Upon a motion duly made by Director Gentry, seconded by Director Magnera and, upon vote, unanimously carried, the Board authorized TLC Landcare to proceed with fire mowing.

**Open Space Walk About with Colorado Department of Extension:** Director Magnera provided an update on the open space walk to the Board. No issues or concerns arose during the walk.

**Policy to Allow Residents to Mow Native Grass Behind Their Property on District Property:** Director Gentry provided the Board with history regarding residents mowing native grass behind their homes in the past. In years prior, residents had to get approval from the Board of Directors. The previous policy was to not let residents mow or alter any District property. Following review and discussion, no action was taken due to the fire mow occurring in the upcoming weeks.

**Proposal to Purchase and Install Signs on Open Space Property:** Upon a motion duly made by Director Magnera, seconded by Director Holmes and, upon vote, unanimously carried, the Board approved the proposal to install and purchase signs, upon final locations being reviewed.

### **Underdrains Maintenance:**

**Drainage Concern on Private Property:** Director Gentry provided an

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update to the Board. The drainage is not being caused by anything on District property.

**Confirmation of Responsibility of Maintenance of USPS Mailboxes:** Director Gentry reminded the Board that all mailboxes within the District are owned and maintained by the USPS.

**Tree Removal Policy:** Director Seidl expressed concerns with the current tree removal policy. Ms. Morris also expressed concerns with the proposals that the District received for the removal of the trees behind her home and how it did not match the District's contracts and cost. Following discussion, it was decided that Director Gentry will go back to the landscaping contractors and see why the bids were so high and why they did not match the contracts.

### FINANCIAL MATTERS

**April 30, 2024 Unaudited Financial Statements and Schedule of Cash Position:** Ms. Primachenko reviewed the Unaudited Financial Statements and the Schedule of Cash Position with the Board. Following review and discussion, upon a motion duly made by Director Magnera, seconded by Director Seidl and, upon vote, unanimously carried, the Board accepted the April 30, 2024 Unaudited Financial Statements and the Schedule of Cash Position, as presented.

**Payment of Claims in the amount of \$16,824.11 and Unpaid Checks List in the amount of \$45,292.38:** Ms. Primachenko reviewed the payment of claims and the unpaid checks list with the Board. Following review, upon a motion duly made by Director Magnera, seconded by Director Seidl and, upon vote, unanimously carried, the Board approved/ratified approval of payment of claims in the amount of \$16,824.11 and the unpaid checks list in the amount of \$45,292.38, as presented.

**Draft 2023 Audit Report:** Ms. Primachenko reviewed the draft 2023 Audit Report with the Board. Upon a motion duly made by Director Magnera, seconded by Director Gentry and, upon vote, unanimously carried, the Board approved the draft 2023 Audit Report, subject to legal review and receipt of clean opinion from the auditor.

### LEGAL MATTERS

None.

### MANAGER MATTERS

**Legislation Related to ADA Website Compliance:** Ms. Johnson provided an update to the Board on ADA website compliance.

### OTHER BUSINESS

None.

### ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Gentry, seconded by Director Seidl and, upon

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vote, unanimously carried, the Board adjourned the meeting at 8:37 p.m.

Respectfully submitted,

DocuSigned by:

*Wayne Harris*

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Secretary for the Meeting