

# **RECORD OF PROCEEDINGS**

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## **MINUTES OF THE COMBINED SPECIAL 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, July 15, 2019, 6:30 p.m., at The Retreat at Solterra, 15260 W. Evans Avenue, Lakewood, Colorado 80228

**Attendance** The combined special meeting of the Boards of Directors of the Fossil Ridge Metropolitan District Nos. 1-3 was called and held at 6:34 p.m., as shown, in accordance with Colorado law. The following Directors were in attendance:

#### **District 1:**

Tom Waterman – President  
Craig Brown – Vice President  
Kim Hussey – Treasurer  
Dave McGraw – Secretary  
Terry Larson – Assistant Secretary

#### **District 2:**

Dave McGraw – President  
Terry Larson – Vice President  
Andrew Martin - Treasurer  
Theodore Michelsen – Secretary  
Tom Waterman – Assistant Secretary

#### **District 3:**

Craig Brown - President  
Kim Hussey – Vice President  
Mike McCleary – Treasurer  
Aaron Hochstein – Assistant Secretary

#### **Consultants:**

Marcos Pacheco, District Manager, Community Resource Services  
Jennie Heinze, Community Manager

#### **Also present were:**

Peggy Waterman; Resident  
Leean McGraw; Resident  
Marti Mann; Resident  
Helene Thompson; Resident  
Laura Hamilton; Resident  
Dennis Hamilton; Resident  
JD Lobue; Resident  
Daniel Dominic; Resident

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Greg Livin; Stratagem  
Debbie Booth; Overlook

**Call to Order** A quorum of the Boards was present, and the Directors confirmed their qualification to serve.

**Approve Agenda** The Boards reviewed the Agenda.

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

**Public Comment** There was none

**Consent Agenda** Consent Agenda Items 1 - 3

1. Approval of the payment of claims for the period ending June 30, 2019.
  2. Approve the minutes of the May 20, 2019 Regular Meeting – This item was moved for discussion.
  3. Ratify emergency repair of amphitheater
- District 1: Director McGraw moved to approve items 1 and 3. Upon second by Director Waterman, a vote was taken and the motion carried unanimously. Item 2 was tabled for discussion at a later time.
  - District 2: Director Michelsen moved to approve items 1 and 3. Upon second by Director Larson, a vote was taken and the motion carried unanimously. Item 2 was tabled for discussion at a later time.
  - District 3: Director Brown moved to approve items 1 and 3. Upon second by Director Hochstein, a vote was taken and the motion carried unanimously. Item 2 was tabled for discussion at a later time.

**Legal Matters** Adopt Resolution revising Board meeting schedule and 24-hour policy for posting Board meeting announcements: The resolutions were presented to the Boards and the purpose of each was discussed.

- District 1: Director Waterman moved to adopt the Resolution as presented. Upon second by Director McGraw, a vote was taken and the motion carried unanimously.
- District 2: Director Michelsen moved to adopt the Resolution as presented.

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Upon second by Director Larson, a vote was taken and the motion carried unanimously.

- District 3: Director Brown moved to adopt the Resolution as presented. Upon second by Director Hochstein, a vote was taken and the motion carried unanimously.

Email policy Resolution: The purpose of the resolution to adopt an email policy was discussed.

- District 1: Director Waterman moved to adopt the Resolution as presented. Upon second by Director McGraw, a vote was taken and the motion carried unanimously.
- District 2: Director Michelsen moved to adopt the Resolution as presented. Upon second by Director Larson, a vote was taken and the motion carried unanimously.
- District 3: Director Brown moved to adopt the Resolution as presented. Upon second by Director Hochstein, a vote was taken and the motion carried unanimously.

**Financial Matters** Accept the 2018 Audit Reports for Districts 1-3: Greg Livin of Stratagem was present to present the 2018 audits and answer any questions that the Boards had. Director McCleary (D3) requested minor changes to verbiage within the audit reports. Mr. Livin noted that the changes would be made and stated that the audits were still recommended for approval at tonight's meeting.

- District 1: Director McGraw moved to approve the 2018 audit as presented. Upon second by Director Waterman, a vote was taken and the motion carried unanimously.
- District 2: Director Michelsen moved to approve the 2018 audit as presented. Upon second by Director Larson, a vote was taken and the motion carried unanimously.
- District 3: Director Brown moved that the Board approve the 2018 audit as presented. Upon second by Director Hochstein, a vote was taken and the motion carried unanimously.

Announce 2020 Budget Work Session: Director Hussey (D 1&3) noted that there will be a budget work session on August 12, 2019.

**Tabled Item  
From Consent  
Agenda**

Approve the minutes of the May 20, 2019 Regular Meeting: Director McCleary (D3) requested changes to the minutes that were presented. There was a misspelling under the Engineering Update. There was also one change requested to the restated policies; Director McCleary did not present this subject. It was requested that it be changed from Director McCleary to Director Waterman (D 1&2). There was also mention in the 2020 budget process that the budget would

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be made available, however it should be revised to state the budget planning will begin and that the budget would not yet be made available.

- District 1: Director Waterman moved to approve the minutes of the May 20, 2019 regular meeting, as amended. Upon second by Director McGraw, a vote was taken and the motion carried unanimously.
- District 2: Director Michelsen moved to approve the minutes of the May 20, 2019 regular meeting, as amended. Upon second by Director Larson, a vote was taken and the motion carried unanimously.
- District 3: Director Brown moved to approve the minutes of the May 20, 2019 regular meeting, as amended. Upon second by Director Hochstein, a vote was taken and the motion carried unanimously.

## Operations and Maintenance Matters

Engineering Update: Director Larson (D 1&2) reported on the District's engineering activities. He noted that he had a call scheduled with the VP of Brookfield to discuss the status of the work that they have undertaken. The landscaping continues but is not complete along Alameda and Macintyre. There is also settling in this area but there are no current plans to correct this. He mentioned that there are culvert issues along Yale that are being evaluated. In Orchard Park, Cardel had given the District several trees but some of those trees did not survive. They will be replaced. The District continues its work for final approval of Orchard Park. He also discussed the tributary and noted that the algae control began last week by Solitude Pond Management. He continued by mentioning that the water feature has not yet been started this year due to a leak. Brookfield has made a decision to place a liner in the water feature. This work will not be completed until December. Director Larson has requested the specifications on the liner but he has not yet received them. In filing 14, Brookefield has began concrete replacement as required by the City of Lakewood. They have not started on the concrete within FRMD. In filing 15, the townhomes, the Landscape Committee along with Schultz Industries walked the area to identify plants that would need to be replaced. They also walked the area in filing 16 for the same purpose. Cardel continues to do landscaping work in filing 16 and has requested that the District evaluate the landscaping before the crews leave the area. Lastly, there was supposed to be a sign placed on LaSalle that stated 'Right Turn Only'. Because of delays with the ordered sign, Director McGraw (D 1&2) went to the City and borrowed a sign which he installed himself in the interim. Director Hussey (D 1&3) expressed a concern with what the Lakewood Police enforce. For instance, there was an individual that received a ticket for parking within 30 feet of a stop sign, but the police will not enforce the no parking signs within the District. Discussion ensued surrounding the issue and Jennie Heinze was able to clarify the reasons why. Director Brown (D 1&3) asked what the plan will be for algae maintenance once the District is wholly responsible. He suggested that we possibly ask Brookefield to aerate the pond before the District takes ownership. There is potential that we could solicit colleges in the State to help the District

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design and maintain a proper pond.

Retreat Manager Update – YMCA: Director Waterman (D 1&2) updated the Boards that the most recent manager has taken a different position so the District is actively pursuing a replacement. Debbie Booth reported on the status of the search for a new manager. In her talks with Elaine, it was decided that there would be two individuals hired that would both work part-time. Sandy, who currently works with us, will fill one of those roles. She will be the foundation of the team that will be built. This method will allow for a manager to always be onsite. There were continued questions about the operations of the pool. One of those questions being posed by the public, asking if salaries need to be raised in order to retain talent. This is something that the Committee will need to evaluate and report back to the Boards. It was also noted that there have been some issues occurring at the pool but that they have been resolved as they have arisen.

## Retreat Repair Proposals:

1. Patio fireplace – Ms. Heinze reported to the Board that the fireplace is not currently operational. She received a recommendation that the auto-igniter currently installed be replaced with a match-light option. She also reported that there are other options that need to be explored as the match-light option could pose a liability to the District. Director McGraw (D 1&2) expressed the need for as-built drawings for The Retreat. By obtaining these, we will have a better ideas as to how we can safely repair the fireplace. The Boards requested that Ms. Heinze continue to look into this matter and report back with further options.
2. Parking Lot Re-pave and Re-Stripe – Ms. Heinze presented the Boards with two proposals from the final two companies that could provide such services. The two companies are Brown Brothers and Foothills Paving. The numbers received varied in scope and linear footage of areas to be replaced. After discussion, the District 1 Board recommended that Ms. Heinze clearly define the scope and then move forward with the best contractor. Director Waterman moved that the Board approve an expenditure in an amount not to exceed \$7,000 for the purpose of re-paving and re-striping the parking lot of The Retreat. This motion is contingent upon the selected contractor properly performing the work and filling all sizable cracks with a sand to allow for proper sealing. Upon second by Director Brown, a vote was taken and the motion carried unanimously.
3. Gutter cleaning – Director McGraw (D 1&2) expressed a concern to the Boards that the gutters and drains surrounding The Retreat have not been cleaned and pose a potential issue of damaging different areas when the water overflows. As such, he suggested that the District retain a company that will check and clean these in the future. In the interim, Ms. Heinze noted that she will have Schultz Industries clean the mud from the gutters.
4. Bird nesting prevention – Ms. Heinze reported to the Boards that there are

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several options that could help prevent birds from nesting above areas where individuals commonly walk or stand. She outlined these options for the Boards. Mr. Hamilton, a resident, has provided a temporary fix while more permanent options are explored. He has placed a heavy gauge wire that has prevented birds from nesting in trouble areas and it has been successful so far. Director McGraw (D 1&2) thanked Mr. Hamilton for volunteering and providing this method to the District. Mr. Lobue also noted that he has had luck on his own property by utilizing reflective streamers that deter birds from landing in certain areas. If the Boards wished, he would be willing to volunteer his time to experiment with this option.

5. Pest control – Ms. Heinze informed the Board that there have been voles found along Indiana. Voles create deteriorating walls as they burrow through the ground. She suggested, after recommendation from a pest control company, that the District retain said company and treat the area along Indiana for 3 months and then maintain that area as needed thereafter. Director McGraw moved to approve this recommendation by Ms. Heinze. Upon second by Director Brown, a vote was taken and the motion carried unanimously.

Landscape update: Ms. Heinze presented proposals to the Board for consideration. She noted that all items on the proposals were within the set budget of the District. Chris, the District's landscaper, was present to give a report on the landscaping as well. There have been some areas in the District that have been affected by wildlife. He also noted that last year 55 trees were planted and some of those trees will need to be replaced under warranty as they have not taken well. There were questions from the Board as to why Chris chose certain trees to plant and he indicated that with his knowledge, he chose the best trees for the environment and the needs of the District. Chris also stated that all trees he has planted are within the requirements of the City of Lakewood. Lastly, Chris noted that he will still be installing 34 trees, while 3 trees have been removed and will not be replaced. Director Waterman moved to approve the Schultz Industries proposal in the amount of \$25,761.06. Upon second by Director McGraw, a vote was taken and the motion carried unanimously.

Pool safety: Director Waterman opened this topic by noting the District's concern for the safety of individuals, specifically related to the swimming pool, while attending events at The Retreat. There are times when lifeguards are not present at the pool but there is potential for unaccompanied children to access the pool area. Director Waterman suggested three different options that could help prevent this instance from occurring: 1) Erect fencing around the entire pool area, or 2) place stanchions around the pool area that would hold signs indicating the pool is closed, or 3) require the host of the event place an individual at the pool and require that individual to inform everyone of the pool's closing. There was extensive discussion surrounding this topic. Director Martin (D2) was very passionate and

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suggested that regardless of the option chosen, the District must act on this potential issue in an effort to prevent any possibility of a negative event. There were several suggestions by residents as to how we could prevent individuals from accessing the pool. Mr. Dominic suggested a safety net, similar to those on a cruise ship, that would run across the pool and prevent anyone from falling into the water. Director Martin suggested that all options be costed out so that the District can accurately choose an option that is best for everyone. Director Waterman (D 1&2) requested that Ms. Heinze obtain pricing for both the safety net and a security company. He would also like to see a lighting proposal for the pool area. This discussion will continue as no action was taken at this meeting.

**Adjournment**

There being no further business to be brought before the District 1 and 2 Boards, the meeting was adjourned at 9:26 p.m.

**Continuation**

Director Brown of District 3 moved that the District 3 meeting be continued to Thursday, July 17, 2019 at 6:30 p.m., understanding that Director Hussey will not be available and is therefore excused. Upon second by Director McCleary, a vote was taken and the motion carried unanimously.

**Reconvene  
District 3 Special  
Meeting**

The continued special meeting of the Board of Directors of the Fossil Ridge Metropolitan District No. 3 was reconvened at 6:30 p.m.. The following Directors were in attendance:

**District 3:**

Craig Brown - President  
Mike McCleary – Treasurer  
Aaron Hochstein – Assistant Secretary

**Consultants:**

Sue Blair, District Manager, Community Resource Services  
Marcos Pacheco, District Manager, Community Resource Services

**Also present were:**

Tom Waterman; Resident  
Dave McGraw; Resident

**Continued  
Update and  
Discussion  
Regarding Board  
Vacancy and  
Potential  
Interviews**

Director Brown introduced a third candidate to fill the vacancy on the D3 Board. Kincade (Cade) Bertrand was present and the Board asked him to introduce himself.

Cade addressed the Board and spoke about his background. His life has driven him towards Civil Service. While he is interested in serving on the Board, he expressed that the intent with doing so is somewhat self-serving. His ultimate goal is to use the exposure and experience to help drive him towards his ultimate goal, becoming

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a Fire Chief. He is looking for the exposure of being a Board member. He has extensive experience working with Boards and Districts and has served in both capacities in Title 31 and 32 Districts. He appreciates that the current Board does a lot of hands on work and asked if that would be expected of him as with his background, he is used to the Board providing oversight while the Manager does most of the hands on work. He did mention that he would not have as much time as others on the Board to dedicate towards projects. Director Hochstein noted that everyone finds a niche on the Board and they all help in areas which they are familiar with.

- Director McCleary asked Cade what he would provide to the Board if selected to fill this vacancy. Cade responded by saying he would bring a unique perspective to the Board. While the current Board can speak to the issues and the history of the District, he would represent a younger demographic and mindset. He would be able to add diversity of opinion and skillset.
- Director Brown noted that, by nature, individuals are biased towards the area in which they live. He asked Cade how he would handle this and ultimately do what is best for the District. Cade answered by saying he would put himself in other people's shoes and deal with all situations diplomatically.
- Director Brown also noted that there are, at times, confidential items that are discussed during an Executive Session. He asked how Cade would handle this information. Cade responded that he would handle this information by virtue of recognizing that a topic is confidential. He is comfortable grappling political issues and has the ability to distinguish oneself professionally and at a community level.

The Board asked Cade if he had any questions.

Cade asked if the Board received many CORA requests. Director Brown answered and noted that while not many are received, the District does receive them. Cade also asked for the history of District 1. Director McCleary gave the history of how District 1 was formed. Director Brown added to those comments. Cade also asked what transpired when the developer run Board resigned. Director Brown gave Cade the history behind the changing of the Boards from developer run, to homeowner run. Cade thanked the Board for their time and consideration.

Director Brown asked each member of the Board for their thoughts on the three candidates to fill the vacancy on the Board.

Director McCleary noted that his preference would be to appoint Daniel Dominic to the Board. He believes that with his strong financial background, he would be an asset to the District. He is concerned with Cade not being able to commit enough time to the Board.

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Director Hochstein expressed his gratitude for everyone that showed interest in serving on the Board. He would like to see the Board represented by different areas of the District. While he appreciates the experiences that all three candidates offer, he would prefer to appoint JD Lobue to the Board. He believes that Cade would be unable to provide enough time for projects on the Board.

Director Brown started by noting that he is appreciative of the engagement JD Lobue has shown within the District. He is also concerned that Cade would be unable to commit enough time to the Board. At this point in time, he would recommend Daniel Dominic.

Director Brown moved to appoint Daniel Dominic to the Fossil Ridge Metropolitan District No. 3 Board of Directors. Upon second by Director McCleary, a vote was taken and the motion carried by a majority vote; Director Hochstein voted no.

Director McCleary added that he encourages those individuals that were not selected to step forward and volunteer in any capacity possible within the District. He was extremely thankful for Cade stepping up and showing interest and suggested that he run for a seat on the Board during the next election.

### **Adjournment**

There being no further business to come before the District 3 Board, the meeting was adjourned at 7:36 p.m.

Respectfully submitted,



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Secretary of the Meeting

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THESE MINUTES ARE APPROVED AS THE OFFICIAL JULY 15, 2019 MINUTES OF THE FOSSIL RIDGE METROPOLITAN DISTRICT NO. 1 BY THE BOARD OF DIRECTORS SIGNING BELOW:

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Tom Waterman

~~Craig Brown~~

Dave McGraw

Kim Hussey

Terry Larson

THESE MINUTES ARE APPROVED AS THE OFFICIAL JULY 15, 2019 MINUTES OF THE FOSSIL RIDGE METROPOLITAN DISTRICT NO. 2 BY THE BOARD OF DIRECTORS SIGNING BELOW:

Page M.G.

Terry Larson

Andrew Martin

Theodore Michelsen

Tom Waterman

THESE MINUTES ARE APPROVED AS THE OFFICIAL JULY 15, 2019 MINUTES OF THE FOSSIL RIDGE METROPOLITAN DISTRICT NO. 3 BY THE BOARD OF DIRECTORS SIGNING BELOW:

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Craig Brown

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Kim Hussey

Wright

Wm. H. Grear

Aaron Hochstein