

# **RECORD OF PROCEEDINGS**

---

## **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, October 18, 2021, 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. Mr. Pacheco 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, Senior Manager, Community Resource Services  
Marcos Pacheco, District Manager, Community Resource Services  
Mat Birkeness, Community Manager, Community Resource Service

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

Jim Peterson  
Gary Greaser

# RECORD OF PROCEEDINGS

---

Peggy Waterman  
Bob Pries  
John White

**Call to Order** Quorums of the Boards were present, and the Directors confirmed their qualifications to serve. Mr. Pacheco 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. It was requested by Director Brown (D 1&3) to add a discussion item related to the FRMD University. Also, Mr. Birkeness requested to speak about concrete work at the Retreat.

- District 1: Director McGraw moved to approve the agenda as amended. Upon a second by Director Waterman a vote was taken, and the motion carried unanimously.
- District 2: Director Michelsen 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 Wilson moved that the Board approve the agenda as amended. Upon a second by Director McCleary a vote was taken, and the motion carried unanimously.

**Public Comment** Mr. Greaser requested that the Boards distribute the meeting packets on Solterra Connect as he feels it is too difficult to find the information he is looking for.

**Consent Agenda** **Consent Agenda Item 1-3**

1. Approval of the payment of claims for the period ending October 1, 2021
  2. Approve the Minutes of the August 30, 2021 Regular Meeting
  3. Approve the Agreement to Engage Consultants on District Eligible Costs
- District 1: Director Waterman moved that the Board approve the consent agenda. Upon a second by Director Larson a vote was taken, and the motion carried unanimously.
  - District 2: Director McGraw moved to approve the consent agenda as amended. Upon a second by Director Larson, a vote was taken, and the motion carried unanimously.
  - District 3: Director Brown moved to approve the consent agenda as amended. Upon a second by Director Hochstein, a vote was taken,

# RECORD OF PROCEEDINGS

---

and the motion carried unanimously.

<b>Legal Matters</b>	There were none
<b>Financial Items</b>	<p><u>Review Look-Ahead Schedule:</u> Mr. Pacheco reviewed the look-ahead schedule with the Boards and outlined important upcoming dates and answered questions.</p> <p><u>Access to the Draft Budget:</u> Director Plumhoff (D2) reported on changes in making the draft budgets available this year. He thanked Director Michelsen, Mr. Hendel, Director Wilson (D3), Mr. Birkeness, Director McCleary (D 1&amp;3), and several others for their work on the budgets thus far. It's a strong budget, and he is looking for comments from the Board. A public hearing will be held in December at which point the budgets will be voted on and adopted. Copies are to be requested from Mr. Birkeness. During the process, the Committee has determined that we may be able to keep fees and mill levies the same as 2021. Mr. White was allowed to speak as part of the Finance Committee. He believes the Committee works well together. Mr. White then asked Director McCleary (D 1 &amp;3) to speak on fees. Director McCleary (D 1&amp;3) provided commentary on the anticipated fees for 2022. Mr. White continued; the reserve study that is periodically reviewed now has a special fund that will isolate expenditures consistent with the reserve study.</p>
<b>Operations and Maintenance (District 1)</b>	<p><u>Landscape Update:</u> The Committee hasn't been too active lately because everything was completed on schedule. In July, they talked about everything to be done in the Fall. Test beds are done. Trees were also removed as necessary. Fertilization was completed. Some plants were replaced as they died. In continuing discussions from last year, the Committee considered removing the overgrown juniper bushes in the pool area. After discussions with local arborists, it was determined that leaving them in place and maintaining them is the best course of action. Additionally, there are residents that continue to modify tracks in FRMD property. The land is legally owned by FRMD and shouldn't be touched by residents. Next year, the committee is again focusing on filings 1 – 12. There continues to be a dwarf fountain grass problem that needs to be dealt with. All evergreens will be monitored as well as deciduous trees. Director Brown (D 1&amp; 3) asked questions about how these grasses propagate. Director Wilson (D3) also added comments about how to budget for larger items as capital rather than regular expense.</p> <p><u>Engineer Update:</u> Director Larson (D 1&amp;2) provided an engineering report to the Boards. The City of Lakewood called a meeting with Brookfield to discuss ongoing issues with filings. Several things came out of the meeting. The City and Brookfield came to an agreement regarding the boring underneath McIntyre. One will be for water; one will be for electrical.</p>

## RECORD OF PROCEEDINGS

---

Brookfield is looking to complete work within 30 days. On Yale Ave., Brookfield said they'd work on the concrete box, but the wingwall was spalling. They have hired someone to fix that. Brookfield is finishing up the City's punch list on filing 13. They have not finished on 14, 15, or 16. They are looking for a townhouse building permit in filing 19. Brookfield has met all City criteria and is able to apply for said permit. Filing 21 has not yet been approved. Brookfield is working on issues currently. FRMD is a signatory to the approval. Alameda Pkwy has been complete since 2017. The City pushed Brookfield to finish some items there. Brookfield responded that they are shorthanded and working to get things completed quickly. Other issues include getting a meeting scheduled with Brookfield to go over FRMD's list of issues. Finally, the District Engineer has completed a draft study of the retaining walls in the FRMD areas. He then answered questions from the Boards.

Approve the 2022-23 Landscape and Snow Removal Contract: Mr. Birkeness reported to the Boards that he went out to bid with three companies for snow removal. Schultz was the lowest bid and that provides two benefits. First, it is the most economical and they know the property. This contract would be for Filings 1-12 only in an amount not-to-exceed \$167,000 for the 2021-2022 seasons. The following season, there would be an increase of 3%.

- District 1: Director Brown moved that the Board approve the proposal from Schultz Industries for snow removal for the 2021-2022 season in an amount not-to-exceed \$167,000. The following season, there would be an increase of 3%. After a suggestion from Director McCleary to add the snow contract for filings 1-12 only, he seconded the motion, a vote was taken, and the motion carried unanimously.

Filings 15-16 were then discussed by Mr. Birkeness and what areas were expected to be maintained by FRMD. After an agreement with Brookfield last year, there will only be one contractor for the entire community. Mr. Birkeness recommended that FRMD accept the proposal from Schultz Industries for filings 15-16, including both in-lot and out-of-lot together, in an amount not-to-exceed \$35,000 for the 2021-2022 seasons. The following season, there would be an increase of 3%. Director Brown (D 1&3) provided comments as did Director Larson (D 1&2). An extensive discussion took place surrounding the subject.

- District 1: Director Brown (D 1&3) move to approve the Schultz Industries agreement for 2 years, in an amount not-to-exceed \$35,000, understanding that the following years will realize a 3% increase. Upon a second by Director McGraw (D 1&2) a vote was taken and the motion carried unanimously. This motion is contingent upon an

# RECORD OF PROCEEDINGS

---

agreement for a cost-share being in place with Brookfield.

Community Manager Update: Mr. Birkeness provided a report to the Boards and spoke about the new website. There have been some learning curves, but he explained the path forward with those in mind. The Retreat has been hosting less events lately with the change of seasons. With ongoing groups, it is up to the group to decide how they will operate. The pool has been winterized. There are a few tiles missing in the lower pool that will be addressed in the Spring. Small purchases that are upcoming include holiday lighting. He recommended that we continue to use the same contractor as we have in the past. The large folding doors need to be serviced and the manufacturer was given a list of services needed. The gate and keypad have been worked on. Also, Mr. Birkeness asked several contractors to look at the concrete at the Retreat. There are caulking issues and cracking issues. For the age of the concrete, it is in very good condition. A few bids were received, and the scope varied for the potential fixes. He provided examples of work that could be done soon. To perform work, there is a quote of \$53,000 to perform some items. While the budget is only \$50,000, he asked the Board for approval. He then answered questions from the Boards.

- District 1: Director McGraw moved to approve the scope of work defined by Mr. Birkeness. Upon a second by Director McCleary, a vote was taken, and the motion carried unanimously.

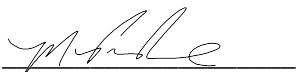
Inclusion, Board Consolidation: Mr. Pacheco reported on the process that needs to be followed for a resident to include their property into District 1. CRS will be available to anyone seeking to include their property.

FRMD University: The next meeting is October 27<sup>th</sup>. Director Larson (D 1&2) and Mr. Greaser will be presenting on Operations and Maintenance and how the reserves will be used to pay for items.

## Adjournment

There being no further business to come before the Boards, the meeting was adjourned at 8:34 p.m. by unanimous vote.

Respectfully submitted,



\_\_\_\_\_  
Secretary of the Meeting