

MINUTES OF A JOINT REGULAR MEETING OF THE BOARDS OF DIRECTORS

OF

SADDLE ROCK SOUTH AUTHORITY  
SADDLE ROCK SOUTH METROPOLITAN DISTRICT NO. 2,  
SADDLE ROCK SOUTH METROPOLITAN DISTRICT NO. 3, &  
SADDLE ROCK SOUTH METROPOLITAN DISTRICT NO. 4

Held: Thursday, the 12<sup>th</sup> day of March, 2020, at 2:30 P.M., at 6800 South Liverpool Street, Suite A, Aurora, Colorado.

**ATTENDANCE**

The meeting was held in accordance with the laws of the State of Colorado. The following directors were in attendance:

Authority Designees:

James Quarles  
Donald Langley  
Marie B. Hensler

Authority Alternate Designees:

Jason Inzer  
Robert Childs

District No. 2:

Howard Johnson  
Donald Langley  
Jason Inzer

District No. 3:

James Quarles  
Jordan Rigberg  
Rodney Alpert

District No. 4:

Rodney Alpert  
Marie Hensler  
Robert Childs  
Robin Childs

Also present were: Allison C. Fogg, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, Authority and District general counsel; Ashley B. Frisbie, WHITE BEAR ANKELE TANAKA & WALDRON, Authority and District Manager; Diane Wheeler and Bill Flynn, Simmons & Wheeler, PC, Authority and District Accountant; Andy Carroll, Security Officer; Bradley A. Simons, PE, MMI Water Engineers, LLC, Authority Engineer; Jaylene Cantrell, Jennifer Thomas, and Eli Schlagel, Front Range Recreation, Inc. (for a portion of the meeting); and residents.

**ADMINISTRATIVE MATTERS**

Call to Order

The meeting was called to order.

Declaration of Quorum and Confirmation of Director Qualifications

Ms. Frisbie noted that a quorum for the Saddle Rock South Authority (“Authority”) and for each of the Saddle Rock South Metropolitan District Nos. 2, 3, and 4 (individually, “District No. 2”, “District No. 3”, and “District No. 4”, and, collectively, the “Districts”) was present and that the directors had confirmed their qualification to serve.

Reaffirmation of Disclosures of Potential or Existing Conflicts of Interest

Ms. Frisbie advised the Boards that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Frisbie reported that disclosures for those directors with potential or existing conflicts of interest were filed with the Secretary of State’s Office and the Boards at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Boards. Ms. Frisbie noted that a quorum was present and inquired into whether members of the Boards had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted. The Boards determined that the participation of the members present was necessary to obtain a quorum or to otherwise enable the Boards to act.

Combined Meetings

The Authority and the Districts are meeting in a combined meeting. Unless otherwise noted below, and as applicable, the matters set forth below shall be deemed to be the actions of the Authority and the Districts, collectively.

Approval of Agenda

Ms. Frisbie presented the Boards with the agenda for the meeting. Upon motion of Mr. Langley, seconded by Mr. Quarles, the Boards unanimously approved the agenda, as amended.

Excusal of Absence

The Boards noted the absences of Ms. Taylor and Ms. Bransfield. Upon motion of Mr. Langley, seconded by Mr. Quarles, the Boards unanimously excused their absences.

**PUBLIC COMMENT**

Ms. Turachak inquired about the clubhouse renovation. Ms. Frisbie provided an update, noting that the renovation was scheduled to begin on March 17, 2020, and that two of the damaged windows were scheduled to be replaced.

**CONSENT AGENDA MATTERS**

The Boards were presented with the consent agenda items. Upon motion of Mr. Quarles, seconded by Ms. Hensler, the Boards unanimously took the following actions:

- a. District Nos. 2-4 Matters
  - i. Approved the Board Meeting Minutes from January 9, 2020 Regular Meeting

- ii. Accepted Unaudited Financial Statements as of December 31, 2019, as revised
- iii. Approved Application for Exemption from 2019 Audit (District Nos. 2 and 3)
- b. Authority Matters
  - i. Adopted the Board Meeting Minutes from January 9, 2020 Regular Meeting
  - ii. Accepted Unaudited Financial Statements as of December 31, 2019, as revised
  - iii. Ratified the Payment of Claims as of March 12, 2020 (\$170,300.17)
  - iv. Approved Engagement Letter with Stratagem CPA for 2019 Audit
  - v. Ratified Addendum Nos. 2-13 to the Independent Contractor Agreement with Keesen Landscape Management, Inc. for the following:
    - (a.) Addendum No. 2 for Installation of Cobble and River Rock off of S. Tempe Court (\$5,720.00)
    - (b.) Addendum No. 3 for Landscape Enhancement along E. Easter Avenue (west of S. Shawnee Street) (\$22,036.73)
    - (c.) Addendum No. 4 for Landscape Enhancement along E. Easter Avenue (east of S. Shawnee Street) (\$14,259.33)
    - (d.) Addendum No. 5 for Necrotic Ring Spot Program (\$2,228.92)
    - (e.) Addendum No. 6 for Installation of Plant Material at E. Hinsdale Avenue and S. Tempe Court (\$3,805.89)
    - (f.) Addendum No. 7 for Removal of Native Grass and Installation of Sod and Cobble (\$8,675.00)
    - (g.) Addendum No. 8 for Reset of Backflow by Pump House (\$750.00)
    - (h.) Addendum No. 9 for Roxbury Park Bed Enhancements (\$32,006.48)
    - (i.) Addendum No. 10 for Sod Replacement at E. Easter Avenue and S. Shawnee Street (\$6,155.00)
    - (j.) Addendum No. 11 for Transplant of Trees near Pump House (\$815.00)
    - (k.) Addendum No. 12 for Native Weed Control along E. Easter Avenue (\$590.55)
    - (l.) Addendum No. 13 for Native Fertilization of ECCV Pipeline (\$690.00)
  - vi. Ratified Clubhouse Door Repair by Stanley Access Technologies (\$1,246.35) and Key-Rite Security Lock & Safe, Inc. (\$296.25)
  - vii. Ratified Clubhouse Window Replacement by A&B Glassy Works, LLC (\$328.00)

## **ENGINEER'S MATTERS**

### Engineer's Report

Mr. Simons presented his Engineer's Report to the Boards.

### Detention Ponds

#### Dredging of Detention Pond I-7

Mr. Simons provided an update on the dredging of detention pond I-7, noting that BrightView Landscape Services, Inc. ("BrightView") is looking to secure an excavator. Mr. Simons is working with BrightView to schedule an onsite pre-construction meeting.

#### Proposal from Sunny Day Concrete, LLC for Ottawa Park Concrete Repairs and Maintenance

Mr. Simons reported that he circulated a Request for Proposals to multiple contractors for the concrete repair and maintenance work at Ottawa Park, but only received one proposal. Mr. Simons then presented the Boards with the proposal from Sunny Day Concrete, LLC for Ottawa Park Concrete Repairs and Maintenance.

Upon motion of Mr. Quarles, seconded by Mr. Langley, the Boards unanimously approved the proposal and an Independent Contractor Agreement with Sunny Day Concrete, LLC for Ottawa Park Concrete Repairs and Maintenance, in the amount of \$9,230.00.

#### Clean Out of Forebay on East Side of Pond H-11(E)

Mr. Simons reported that Keesen Landscape Management, Inc. is planning to clean out the cattails from the forebay on the east side of Pond H-11(E), and that they are in the process of discussing access issues to the pond with the City of Aurora.

## **FINANCIAL MATTERS**

### Unaudited Financial Statements as of December 31, 2019

The Boards discussed the revised December 31, 2019 Financial Statements that had been accepted under Consent Agenda. Mr. Langley requested a separate meeting with Simmons & Wheeler, PC to discuss the breakdown of numbers resulting from the switch from District No. 1 to the Authority. No action was taken by the Boards.

## **DISTRICT MANAGER MATTERS**

### Management Report

Ms. Frisbie presented her Management Report to the Boards.

#### Presentation by Front Range Recreation, Inc. on 2020 Pool Season

Ms. Cantrell, Ms. Thomas, and Mr. Schlagel presented the Boards with a proposal to provide additional management services, which encompassed management of the clubhouse (including post-event inspections/clean-up), management of all matters related to the amenity keycards (including the 2020 pool season), and inspections/clean-up of the tennis courts.

First Addendum to Independent Contractor Agreement with Front Range Recreation, Inc. for Additional Pool Management Services

Upon motion of Ms. Hensler, seconded by Mr. Langley, the Boards unanimously approved the proposal and First Addendum to the Independent Contractor Agreement with Front Range Recreation, Inc. for Additional Pool Management Services.

Policies and Procedures for Governing Recreation Amenities

The Boards determined to defer this matter due to time constraints.

Proposals for Clubhouse Cleaning Services

Ms. Frisbie presented the Boards with proposals for clubhouse cleaning services from Marvelous Maids, LLC, Home Cleaning Centers of America, and Tatyana Golyansky.

Upon motion of Ms. Hensler, seconded by Mr. Langley, the Boards unanimously determined to maintain the services currently provided by Tatyana Golyansky.

**SAFETY AND SECURITY COMMITTEE MATTERS**

General Update

Mr. Carroll provided a general security update to the Boards.

Neighborhood Watch Update

Mr. Carroll reported that one home has been in violation of the parking rules due to having multiple cars in guest parking spots. The Boards requested that Ms. Frisbie send a reminder letter to the homeowner.

Mr. Carroll also reported that there have been multiple recent garage break-ins, and requested that Ms. Frisbie send out an email blast to remind residents about safety.

Neighborhood Watch Signs

The Boards determined to defer this matter due to time constraints.

Status of Security Camera Operations

The Boards determined to defer this matter due to time constraints.

Installation of Solar Lights at Ottawa Park

Mr. Carroll presented the Boards with a proposed solar light and recommended that 4 be installed along walkways and around the pergola at Ottawa Park.

Following discussion, the Boards directed Ms. Frisbie to obtain a quote from Mr. Jones for the poles and mounting of the solar

lights, to present in conjunction with the solar lights at the next meeting.

## **DIRECTORS' MATTERS**

### Clubhouse Committee

#### Report

Clubhouse Renovation  
and Window  
Replacement

It was noted that these matters were discussed above under Public Comment.

### Water Conservation and Landscape Projects

Landscape  
Rehabilitation Projects

Mr. Langley informed the Boards that he was planning to sell his home, at which time he would not be eligible to sit on the Boards; however, given the current situation that was occurring with COVID-19, he wasn't sure on the timeline. He would like to continue to serve until he is no longer qualified.

There was no discussion regarding landscaping projects.

### Fence Repair and Maintenance Responsibilities

The Boards discussed fence repair and maintenance responsibilities throughout the community. Mr. Simons presented a map showing the fencing that has been confirmed as the responsibility of the Authority. Ms. Fogg reported that the Master Declaration of Covenants, Conditions, and Restrictions of Saddle Rock East and Saddle Rock South, and the Aurora City Code, indicate that fencing is the responsibility of the association if it is not the responsibility of the Authority.

The Boards discussed potential options and costs, and directed Ms. Fogg to reach out to the City of Aurora to see if there are any alternative options, including possibly transferring responsibility for all fencing to the Authority.

### Dog Waste Bags

The Boards determined to defer this matter due to time constraints.

### Environmental Security

The Boards determined to defer this matter due to time constraints.

### Sidewalk at S. Liverpool Street and E. Saddle Rock Lane

The Boards determined to defer this matter due to time constraints.

## **LEGAL MATTERS**

### May 5, 2020 Election

Ms. Frisbie noted that there were no more self-nomination and

(District Nos. 2-4) acceptance forms submitted than positions up for election. As a result, the May 5, 2020 Directors' Elections for District Nos. 2-4 will be cancelled and each of the directors who were up for election will be deemed re-elected by acclamation.

Collection Matters Ms. Fogg reported that there are currently 8 collection and foreclosure files.

Settlement Offer for 22097 E. Easter Circle This matter was discussed in Executive Session.

Termination of Intergovernmental Agreement with City of Aurora Regarding Enforcement of Parking Regulations within Layby Areas Ms. Fogg presented the Boards with the Termination Letter for the Intergovernmental Agreement with the City of Aurora Regarding Enforcement of Parking Regulations within Layby Areas.

Upon motion of Mr. Langley, seconded by Ms. Hensler, the Boards unanimously approved the termination, subject to final legal review.

**OTHER BUSINESS**

Next Meeting The next regular meeting of the Authority and the Districts is scheduled for May 14, 2020, at 2:30 P.M.

**EXECUTIVE SESSION**

Upon motion of Ms. Hensler, seconded by Mr. Langley, and upon an affirmative vote of at least two-thirds of the quorum present, the Authority Board convened in executive session at 4:57 P.M. for the purpose of receiving legal advice and discussing negotiations with third parties pursuant to §§ 24-6-402(4)(b) and (e), C.R.S.

Pursuant to § 24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of the portion of this executive session that, in the opinion of the District's attorney, constitutes privileged attorney-client communication pursuant to § 24-6-402(4)(b), C.R.S.

Also pursuant to § 24-6-402(4), C.R.S., the Board did not adopt any proposed policy, position, resolution, rule, regulation or take formal action during execution session.

The Authority Board reconvened in regular session at 5:19 P.M.

Upon motion of Mr. Langley, seconded by Ms. Hensler, the Authority Board unanimously determined to accept the settlement offer for 22097 E. Easter Circle.

**ADJOURNMENT**

There being no further business to be conducted, the meeting was adjourned.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

Marie B Hensler  
Marie B Hensler (Jun 9, 2020 10:08 MDT)

---

Secretary for the Authority

DC Langley  
DC Langley (Jun 9, 2020 17:12 MDT)

---

Secretary for District No. 2

Jan Taylor  
Jan Taylor (Jun 26, 2020 15:04 MDT)

---

Secretary for District No. 3

Marie B Hensler  
Marie B Hensler (Jun 9, 2020 10:08 MDT)

---

Secretary for District No. 4

**Attorney Statement  
Regarding Privileged Attorney-Client Communication**

Pursuant to § 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that in my capacity as the attorney representing the Saddle Rock South Authority (the “Authority”), I attended the Executive Session on March 12, 2020, for the sole purposes of conferencing with the Authority’s Board of Directors for the purpose of giving legal advice on specific legal questions and discussing negotiations with third parties as authorized by §§ 24-6-402(4)(b) and (e), C.R.S. I further attest that it is my opinion that all or a portion of the executive session discussion constituted attorney-client privileged communication as provided by § 24-6-402(4)(b), C.R.S., and based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to § 24-6-402(2)(d.5)(II)(B), C.R.S.



---

Allison C. Fogg, Esq.  
General Counsel to the Authority and the Districts