



**RECORD OF PROCEEDINGS
MINUTES OF THE COMBINED SPECIAL MEETING
OF THE BOARDS OF DIRECTORS OF
WINDSHIRE PARK METROPOLITAN DISTRICT NOS. 1 & 2**

HELD: June 28, 2022, at 6:00 p.m. Meeting was held at 6000 Summerfield Parkway, Timnath, Colorado 80547

CALL TO ORDER:

Director Tim Hoops called the meeting to order at 6:05 p.m., noting that a quorum was present for all of the Boards.

ATTENDANCE:

The joint special meeting of the Boards of Directors of the Windshire Park Metropolitan District Nos. 1 & 2 (collectively, the “Board”) was called and held as shown above and in accordance and in compliance with the applicable statutes of the State of Colorado, with the following directors were present; Dino DiTullio, Sheila Stone, Tim Hoops, Todd Yancey, James Wertz and present via Teleconference was Director Mike DiTullio, and Jennifer DiTullio, on the phone, then in person.

The following Directors were absent and excused: Martha Turner, Jon Turner, Brian James.

Also present were David S. O’Leary of Spencer Fane LLP, Guy Johnson, Jackie Johnson from the District and numerous homeowners, please see sign in sheet for attendance.

Present via Teleconference was Shasta from the District.

DISCUSSION OF OPEN MEETING REQUIREMENTS/POSTING REQUIREMENTS:

Mr. Johnson discussed the open meeting requirements and the posting requirements for the Districts, noting that any non-social meeting of three or more of the directors constituted an official meeting, and that notice of a meeting for the Districts is to be (1) provided to each Board member, and (2) posted in at least one public place within each of the Districts at least 24 hours in advance of the meeting or electronically on the District’s website in accordance with statutes. If possible, the posting should include specific agenda information. Mr. Johnson further noted that notice of this combined special meeting had been so posted on site and on the WPMD web site.

QUALIFICATION OF BOARD MEMBERS/OATHS OF OFFICE:

Mr. Johnson reported that all of the Board members are registered to vote in Colorado and are residents and/or owners of taxable real or personal property within the Districts. Mr. O’Leary informed the Board that the public official bonds had been obtained and that all of the Board members had been administered their Oaths of Office and those Oaths are on file with the District Court and Division of Local Government.

DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST:

Mr. Johnson discussed the state law requirements for disclosure of potential conflicts of interest with the directors, noting that completed disclosure statements must be filed for each of the Directors with the Secretary of State and the Secretary of the District at least 72 hours prior to a meeting in which a potential conflict may arise. In addition, each director is to verbally reveal his potential conflicts of interest to the Board at the start of the meeting in which the conflict may arise.

APPROVAL OF AGENDA:

Mr. Johnson presented the agenda

Upon motion made by Director Tim Hoops and seconded by Director Sheila Stone and unanimously carried to approve the agenda.

APPROVAL OF MINUTES:

The meeting minutes of April 04, 2022 meeting was presented and discussed,

Upon motion made by Director Tim Hoops and seconded by Director Sheila Stone and unanimously carried to approve the meeting minutes of April 04, 2022.

FINANCIALS:

Mr. Johnson reviewed with the Board the payables of January 2022 through May 2022 in the amount of \$557,985.91, Director Tim Hoops, asked if the stain deposit to Lindesay Construction had been refunded at this time, Mr. Johnson stated that it had not, however, in the previous meeting the board decided to have the fence power washed by the same company that holds the stain deposit, and was leaving the credit for that project until completed. Director James Wertz asked if the repairs that were being complete were being stain, Mr. Johnson stated no, Director Tim Hoops asked what were the cameras located that Kustom Kreation was billing for, Mr. Johnson stated the camera were for security at the pool. Director James Wertz questions the cost to remove t-post from trees, Mr. Johnson stated it was a two-man crew going from tree to tree removing by hand or post remover and in some cases, it took a bobcat to pull the post out, then fill holes, load T-post for over 80 trees on trailer making two trips, to load & haul away, then dump.

Upon motion duly made by Director Tim Hoops and Director Todd Yancy and unanimously carried, to approve the payables of January 2022 through May 2022 in the amount of \$557,985.91.

DISTRICT LEGAL COUNSEL REPORT:

Mr. O'Leary stated to the Board the Developer would be turning over the well lot, 950 Camberly Ct (L2B30F3) to the District. This lot was not developed due to the District water well in the middle of the lot, with the neighborhood being fully built out, the developers would be dissolving WPMD #1 board soon and this lot should now belong to WPMD. Upon further discussion

Upon motion duly made by Director Tim Hoops and Director Todd Yancy and unanimously carried, to accept the transfer of 950 Camberly Ct (L2B30F3) known as the well lot, from the developer to WPMD.

Mr. O'Leary stated the lawsuit from Jan Ayers had been dismissed, legal counsel has filed a motion for the district to be awarded legal fee, however, at this time that has not been settled.

Mr. O'Leary stated with the newly elected board of WPMD #2, it was now time to appoint position of each board member, this could be done by vote or just volunteer.

At this time Director Tim Hoops spoke up and stated he would act as President, with no opposition Director Tim Hoops was appointed President, James Wertz stated he would act as Secretary/Treasurer, with no opposition Director James Wertz was appointed Secretary/Treasurer, all other Board members would be appointed Vice Chair & Asst. Secretary/Treasurer. At this time Mr. O'Leary stated that the President and Secretary/Treasurer would be placed on the checking account as signors before District No. 1 is dissolved and a third alternate would be appointed, Sheila Stone stated she would be an alternate.

DISTRICT MANAGERS REPORT:

Mr. Guy Johnson stated:

1. General District items:

- a. Always be on our minds, replacement cost for District property in reserves.
- b. District Audits Start's in June of 2022 for 2021 Audits.
- c. Cleaning detention ponds monthly and drain pans on site. Work with Town on Drainage.

2. Site Work:

- a. Non-Potable system did not get river water until May 14th, 2021. (A good year)
- b. Winter of 2021 and winter of 2022, worst year on dry conditions, no moisture until January.
- c. Non-Potable system. Non-Potable system shuts down 10/15/2022.
- d. District should budget to buy its own water rights.
- e. Fence stain no longer being done, board voted to let fence weather, save money for fence replacement.
- f. Did general maintenance on pump house pumps and well. Will burn ditches, clean out ditches as needed.
- g. Well Pumps were re-built this year working well. No pun intended.
- h. Pond liner using Benenite is working well, do not see any issues. In-take lowered. Liner not tested.
- i. Pump house sensors need to be lowered; engineer stated 18 inches would work.
- j. Street crossing at Latham and Twin Creeks, current pipe rusted out; Temp fix in place. Will need a permanent fix. Three farmers also on this line, want to wait for Town of Timnath to fix or City of Thornton to fix most of it during installation of their pipe. WPMD would still have some cost.
- k. In-let storm drain corrected during pond work.
- l. Several valves on main line non-potable system sticking in the works to replace, most over 10 years old.
- m. Over-all irrigation system is ageing, will need up-grades of clocks over time, valves, wiring and irrigation heads.
- n. WPMD has a grub problem in a lot of areas around the site, went with a product called Merit, recommended by Board member Tim Hoops. Product took time to get in due to back orders, labor and trucking delivers. Product has been applied to the site and drill seeding complete, will do again in late August where needed. Looking for a longer lasting product to apply for grubs. Areas will be watered very heavy for roughly 21 days; tracts will be very wet. Then re-seed, repeat if needed.
- o. Well lot owned by the developer team, will turn over to the District.
- p. Working on tree replacements and setting up and/or pricing a maintenance program.
- q. With pond up-dates, we hope most under watering issues in the spring and fall will go away.

3. Web Site:

- a. Keeping web site up

4. Pool:

- a. Pool Filter system may need to be replace in a year or two. Not priced as of yet, need 300 to 500 washout tank or keep same system.
- b. New heaters were installed. Several issue with gas volume and power for the up-graded heater, most worked out. Might have to replace several gas lines due to corrosion. 10 years plus, of chlorine exposure.

- c. June, getting boilers inspected by the State Inspector.
- d. Pool 4th of July, pool opens at 11:00 am and will close at 5:00 pm. Not serving food, maybe social committee.
- e. Pool hours change when school starts in August, 4:30 pm to 7:30 pm weekday hours, due to school late hours.
- f. Have made repairs on playground, fixing and replace parts as needed every year.
- g. Need to add money to reserves for long term replacement of pool/pump house and Aluminum Fence is \$100.00 a foot today and gates can be several thousand.
- h. Large tree in pool area dying. Will remove tree, might **think about removing some landscape and putting in more pool deck.**
- i. Talked with one board member on building a shed at the pool for tables, chairs and lounge chair storage.
Pool furniture might last longer and/or look better, so far, no complaints
- j. Putting in new door to guard room, weathered and rotting due to the elements. Will add sun screen for guards to sit outside more.
- k. New pool access system working great, gates close every time, and working fob must open gate. We have about 15 homes who did not get a fob, due to past due O and M fees, they all know, they were letter sent a letter not to get a fob or if they did it would not be active. One person did get a fob, it is not active at this time.

PUBLIC COMMENTS:

The Board opened the Public Comment portion of this meeting, and recognized; Mr. Guy Johnson stated he had a resident request that the district purchase and provide the residents with “No Solicitation” stickers, with further discussion, the board determined this was not something they wanted to do, the Town of Windsor provided free stickers to anyone who came in to pick them up.

With no other public comment this section was closed.

OTHER MATTERS:

Director Tim Hoops stated that Mill Brothers Landscaping does a “half ass job”, he would like to have Lindgren and/ or Precision Landscape bid the work for next year along with any other bidders.

Director Tim Hoops stated that the watering needed to be turned back, the newly seeded areas did not need all that water to germinate, and Mill Brothers needs to hold off drilling for any new seed. Director Tim Hoops also stated that the weeds were out of control, and that he had a product he felt would work.

Mr. Johnson stated that weed control or broadleaf Herbicide had not been put down at this time in order to give the new seed that was placed time to germinate as discussed with Tim Hoops at another time, when making a plan with Mr. Hoops to re-seed the damaged areas. Director Tim Hoops stated an agricultural product called Vida Herbicide could be applied even after seeding, it would not harm the newly seeded areas and was safe to use. Director Tim Hoops also stated that the agricultural product Vida Herbicide was safe to apply within neighborhood and he had already applied the product

on his own lawn and provided to other people within the area with success in treating turfed areas within the neighborhood.

When asked where to get the agricultural product Vida Herbicide, Director Tim Hoops stated he sold the product, and the District should purchase the agricultural product Vida Herbicide through him directly.

Guy Johnson asked David O'Leary if this was acceptable buying product from a board member. David O'Leary was about to respond when Director Tim Hoops was asked how much for the product. Director Tim Hoops stated \$450.00 for the agricultural product Vida Herbicide and he would coordinate with Guy Johnson to pick up the agricultural product Vida Herbicide to be applied at Windshire Park. Guy stated that the District would need an invoice, to coordinate payment like any other vendor.

Guy Johnson said he would get with Director Tim Hoops for the District to purchase the product and the District would be provided the appropriate invoice. Guy Johnson stated he would need the SDS or Safety Data Sheet for posting on the District website or to give out to anyone who asked for that information, because normally 3 to 5 people call or e-mail and ask for the SDS, which Director Tim Hoops said he had the SDS.

Upon motion duly made by Director Tim Hoops and Director Todd Yancy and unanimously carried by James Wartz and Shelia Stone, that WPMD would obtain the agricultural product Vida Herbicide from Director Tim Hoops and apply the product on the tracts of Windshire Park. Director Tim Hoops will get an invoice made and Director Tim Hoops would meet up with Mr. Johnson and/or Mill Brothers to give them instruction on placing this product and the SDS or Safety Data Sheet and its application and use.

OTHER MATTERS:

Director Sheila Stone stated there was a Parade for July 4th at 11:00 am, meeting at the park on Dartford Drive. Director Sheila Stone was concerned about replacing trees, but did not elaborate due to other board member talking. Director Sheila Stone ask if the District could let the grass grow up to the tree trunks. Guy Johnson, stated it is not good to let grass grow up to the tree trunk due to when the grass is mowed and trimmed it can cause damage to the tree. Also, the grass would get most of the water & fertilizer before it reaches the tree. Other board member agreed.

ADJOURNMENT:

Following no further discussion,

Upon motion duly made by Director Tim Hoops and Director Todd Yancey and unanimously carried, the Board adjourned the joint organizational meeting of the Board of Directors of the Windshire Park Metropolitan District Nos. 1 & 2 at 7:25 p.m.

The foregoing minutes constitutes a copy of the minutes for the above-referenced meeting and was approved by the Board of Directors of Windshire Park Metropolitan District Nos. 1 & 2.



Guy D. Johnson, Secretary for the Meeting