

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS
OF THE
WEST POINT METROPOLITAN DISTRICT AND PARK RIDGE
SUBDISTRICT

Held: Tuesday, May 7, 2024 at 3:00 PM via video conference at <https://us02web.zoom.us/j/81934770160> or by telephone conference at Dial-In Number: (719) 359-4580; Meeting ID: 819 3477 0160. Notices of the meeting that included the meeting's proposed agenda and which advised members of the public of the login URL and call-in were posted at the District's regular posting locations. The Board Packet for the meeting was also emailed to the Directors and staff on May 3, 2024.

Attendance: A regular meeting of the Board of Directors of the West Point Metropolitan District was scheduled in compliance with the laws of the State of Colorado.

The following directors were in attendance:

Steve Fox,	President
Erik Velapoldi	Secretary
Peter Weiser	Treasurer

Also present were: Joseph Norris of Cockrel Ela Glesne Greher & Ruhland, P.C.; Edward W. Laves of Colorado District Management and Operations; Diane Wheeler of Simmons & Wheeler, P.C.; Matt Ward of Environmental Designs; Eric VanLaren, Environmental Designs; Erick Buenrostro, Environmental Designs; Bill Willis, Martin/Martin Consulting Engineers; Michael McCarron – resident and Ryan Roland – resident.

1. Call to Order / Declaration of Quorum
Mr. Fox, noting the presence of a quorum, called to order the special meeting of the Board of Directors (the "Board") of the West Point Metropolitan District (the "District") at 3:07 P.M.
2. Approval of/Additions to/from Agenda
After review and discussion and upon motion duly made by Director Fox and second by Director Velapoldi, the Board unanimously approved the Agenda as presented.
3. Director Matters:
 - 3a. Conflict of Interest:
Mr. Norris advised the Board that pursuant to Colorado law, certain disclosures by the Board members may be required prior to taking official action at the meeting. The Board then reviewed the agenda for the meeting, following which each Board member confirmed the contents of any written disclosure previously made, if applicable, stating the fact and summary nature of any matters, as required under Colorado law, to permit official action to be taken at the meeting.
 - 3b. Appointment of New Director
The Board considered the proposed appointment of Michael McCarron to the Board of Directors of the District. Upon the motion of Director Fox, second by Director Weiser, the Board unanimously approved the appointment of Mr. McCarron to the Board.
4. Public Comment:
Mr. Roland noted that he was present.

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5. Consider Awarding of Contract for Detention Pond Rehabilitation

Mr. Laves reviewed the RFP process for rehabilitating the District's stormwater detention pond and reported that only one bid had been received from Edge Contracting, Inc. of Golden, Colorado in the amount of \$747,180.00. Mr. Laves noted that the District had budgeted sufficient funds including any pond cost overages with \$450,000 budgeted for pond reconstruction and \$422,735 budgeted for contingency for total budgeted funds of \$872,735.

Mr. Laves and Mr. Willis reviewed the details of the proposal including implementation details and other details including:

- The proposal includes both the holding pond on the south side of W 86th Parkway between Alkire and Beech and the drainage channel between Five Parks Drive and Beech with a total area of approximately 8 acres.
- The current plan is to complete the project in 2024.
- The north side of the holding pond between the holding pond and West 8th Street would be used as a staging area for equipment and for drying out the wet material excavated from the holding pond.
- No change orders are anticipated because no structural changes are planned, however, unforeseen issues arising during construction are always a possibility.
- Martin/Martin and CDMO staff will periodically be on site to observe work progress and to help resolve any work issues.

Board questions:

- Director Fox:
 - Timeline and whether Edge has sufficient crew.
 - Hope to complete by late 2024.
 - Edge has sufficient equipment and staff.
 - Restoration of staging area after project completion.
 - Called for in the RFP.
 - Graffiti in the tunnel under W 86th Parkway at Beech St.
 - Not aware of any graffiti
 - Upgrading the various pedestrian bridges.
 - Director Velapoldi asked if there are concerns with the integrity of the bridges or is this a “while you are at it” matter.
 - Trex deck boards sag but it doesn't currently appear that the under structure has issues. Will verify after excavation.
 - Not taking down the bridges so not currently part of the project.
 - Director Weiser asked about restoration of the staging area.
 - RFP includes Arvada's landscaping plans.
 - Mr. McCarron suggested proactively notifying the residents.
 - Director Fox offered to provide the Master Association's database of homeowners to facilitate email blasts. This will warn residents that parts of Leyden Park will be closed, where and the expected schedule.
 - This will need to wait until the initial walk through with Edge.
 - Director Fox asked about fencing around the project.
 - This will be covered during the initial project walk through but expect that Edge will want to fence the entire work site.
 - Director Weiser suggested that there needed to be ongoing maintenance in future years to avoid needing to have a major restoration project in the future.

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- Mr. McCarron suggested adding this as a line item to the 2025 and thereafter budgets so that future Board members would be aware of the need.

Upon the motion of Director Fox, second by Director Velapoldi the Board unanimously approved a motion to:

- Approve the bid of Edge Contracting, Inc. and to director the District Manager in coordination with CEGR law to conclude a contract for the reconstruction of the District's Stormwater Detention Pond.
- Appropriate up to \$800,000 for Pond renovation.
- Communicate the pond plans to the District's residents.
- Budget in 2025 and later years funds for annual maintenance and create a document trail to inform future Boards.

6. Review of Landscaping Work with EDI.

Mr. Laves introduced EDI's team of Matt Ward, Branch Manager; Eric VanLaren, Account Manager and Erick Buenrostro, Field Manager.

The EDI team provided an overview of EDI and their plans for WPMD. Mowing will occur on Monday or Tuesday; Aeration on Thursday May 9th and, weather permitting they will spray for dandelions on Friday May 10th. They asked the Board about their priorities.

Director Fox asked how EDI would handle enhancements and emphasized EDI having a plan. He requested a walk-around with Mr. Laves and EDI.

7. Manager's Report

Mr. Laves reviewed his report which was included in the Board Packet.

7a: S&P Rating

S&P has lowered WPMD's bond rating to negative because of the negative bank balance at the end of 2023. Fortunately, the Sub-District bond was funded before S&P's report was issued and further fund raising is not anticipated. S&P will re-evaluate WPMD in 2026.

7b: Landscaping

Landscaping was covered earlier in the meeting.

7c: Maintenance Proposals:

The Board reviewed in detail proposals for maintenance, most of which were included in the Manager's Report.

- Director Weiser stated that it is critical to stay on budget.
- Director Velapoldi stated that the District needs to distinguish between what is wanted versus what is needed and to prioritize expenditures.
- Mr. McCarron emphasized the need to have sufficient funds to complete the pond restoration project.
- Director Fox stated that it was the tree pruning that caused the 2023 overage and suggested that based upon budget line items there should be sufficient funds for restoration and beautification.
- Ms. Wheeler noted that the Budget did not include some items such as engineering for the pond restoration so the Board needs to be careful.

The Board agreed that Mr. Laves should prepare a list with cost numbers to be reviewed at a subsequent board meeting with necessary funds appropriated for approved projects.

Approval of Minutes for the February 13, 2024 Special Meeting

After review and discussion and upon motion duly made by Director Fox and second by Director Velapoldi, the Board unanimously approved the minutes of the February 13, 2024 Special Meeting as presented.

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8. Financial Matters

8a. Financial Report

Ms. Wheeler reviewed the financial report for March 31, 2024 which was included in the supplementary Board Packet. The report did not include the Sub-District because it had only begun in April. Most of the District's funds are held in ColoTrust with an interest rate of 5%. Upon the motion of Director Fox, second Director Velapoldi, the Board accepted the Financial Report without change.

6b. Draft Audit for 2023

Ms. Wheeler reviewed the Draft Audit Report and noted that 2023 ended with a \$106,000 deficit which was down from the original deficit of \$127,000 because of reimbursements from the sub-district. Upon the motion of Director Weiser, second Director Fox, the Board unanimously approved the draft audit as presented.

6c. Claims

The Board reviewed claims, which were included in the Meeting Packet. Upon the motion of Director Fox, second Director Velapoldi, the Board unanimously ratified the claims as presented.

7: Executive Session

Upon the motion of Director Fox, second of Director Weiser the Board unanimously approved entering into an Executive Session at 4:35 PM under Section 24-6-402(4)(b) to confer with District Counsel to obtain legal advice regarding a request for exclusion. The executive session ended at 4:55 PM.

8: Flowers

The Board discussed Director Fox's request to spend less than \$30,000 for flower planting. Upon motion of Director Fox, second Director Weiser and the Board unanimously appropriated less than \$30,00 for flowers.

10. Other Business

None

11. Adjournment

There being no further business to come before the Board, upon motion duly made by Director Fox, second of Director Velapoldi, and unanimous vote, the meeting was adjourned at 5:01 PM.

Secretary of the Board