

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF  
INSPIRATION METROPOLITAN DISTRICT

Held: Tuesday, January 11, 2022, at 5:30 p.m. via video conference

**Attendance**

The regular meeting of the Board of Directors of the Inspiration Metropolitan District was called and held as shown above and in accordance with the applicable statutes of the State of Colorado. The following directors, having confirmed their qualification to serve on the Board, were in attendance:

Aaron Curtiss  
Holly Svetz  
Maurice Smith  
Dennis Colwell

Absent:  
Sandi Thomas

Also present were:

Heather Hartung, White Bear Ankele Tanaka & Waldron, Attorneys at Law; AJ Beckman, District Manager, Kate Innes, Resident Relations Manager, Sarah Warner, Landscape and Facilities Superintendent, Noel Nail, Administrative Manager Justin Janca, Landscape and Facilities Manager, Public Alliance, LLC; Sharon Sulzle, Advanced Management (AMI); Janelle Kelley and Anastasia Urban, NASH / Brookfield; Jeff Smith and Kiki Dillie, Altitude Law, for a portion of the meeting; executive session only.

The following members of the public were in attendance:

Mark Berkstresser, Mike Borman, Eileen Brown, Teresa Blumberg, Melissa Crimmins, Steve Frey, Rea Heatherington, Jody Jaffe, Gary Knoller, Doug MacCarthy, Sharon Macway, Bill Maxwell, Robert Moore, Sezhat Oner, Richard Reini, Peter Schreck, David Svetz, Bruce Van Der Kamp, Sally Van Der Kamp, Susan White, Courtney Thomas, Karen Chambers, Esther Shafran, Gerry White, Jan Bronson, John Priecko, Jude Olson, Mike Patrick, Brenda Patrick, Paul Charnon, Rick Coldsnow, Russ Paper, Sam Osborne, Nancy Osborne, Steve Powers, Rick Forsman, Kathy Forsman, William Thomas, Kathy Friend, Debbie Hardesty, Yolanda Treviso, Debbie Plachko, Kristen Gardner, John Heap, Joan Ternes, Sheila Marko, Sandra Budden, Allen Schubert, Barbara Tung, Lori Brandt, Randy Haifley, Tim Krabbenhoft.

**Call to Order**

It was noted that a quorum of the Board was present, and the meeting was called to order at 5:32p.m. Upon a motion duly made by Director Colwell and seconded by Director Smith, the Board unanimously approved the absence of Director Thomas.

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**Conflict of Interest Disclosures**

Ms. Hartung advised the Board that pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Hartung reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Ms. Hartung inquired into whether members of the Board 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 participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

**Approval of Agenda**

Director Svetz presented the agenda to the Board for consideration. It was proposed that the agenda be amended to include the following items: A proposal from ICON Engineering from January 10, 2022 for final design and coordination. An executive session to receive legal advice from the District's general counsel and the District's special counsel pursuant to Section 24-6-402(4)(b), Colorado Revised Statutes as it relates to ongoing collection and covenant enforcement matters and associated litigation.

Following discussion, and upon a motion duly made by Director Colwell and seconded by Director Smith, the Board unanimously approved the agenda as amended.

**Public Comment**

Director Svetz recognized Nancy Osborne's request to speak. Ms. Osborne explained that her question is for the developer. She advised the Board that she would send it directly to the development team in an email.

**Consent Agenda**

The following items on the consent agenda were considered routine or administrative. Following a summary by Director Svetz, and upon motion duly made by Director Curtiss, seconded by Director Colwell, and upon vote unanimously carried, the Board took the following actions:

- Ratified the Fourteenth Addendum to Independent Contractor Agreement with BrightView Landscaping Services, Inc ("BrightView") to change the 2021 term of the agreement.
  - Ratified the Independent Contractor Agreement with BrightView for 2022 Landscaping Services.
  - Ratified the Resolution Designating the District's Website for the Online Posting of Meeting Notices and 24-hour Posting Location.
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- Approved the Finance Committee Minutes from December 6, 2021.
- Approved the Common Area Committee Minutes from November 16, 2021.
- Approved the Residential Improvement Committee Minutes from November 17, 2021.
- Approved the Independent Contractor Agreement with Front Range Recreation for 2022 Pool Management Services.

Upon motion duly made by Director Curtiss, Seconded by Director Smith and, upon vote unanimously carried, the December 24, 2021 Special Meeting Minutes were approved as amended.

## **Management Update**

### *Manager's Report*

Mr. Beckman and Ms. Innes reviewed the management report with the Board (attached hereto and incorporated herein by this reference).

Mr. Beckman updated the Board on the status of recruitment efforts for the Maintenance Technician position, and noted that the second round of interviews will occur on Thursday, January 13, 2022, with several promising candidates.

Mr. Beckman stated that Public Alliance has been working with the City of Aurora ("the City") on the land approval and entitlement process for the maintenance and community meeting facility construction site (where the Toll Brothers trailers are currently located). He noted that the location still belongs to the developer and has not yet been turned over to the District but believes that should be easily worked around so that the District can have an architectural plan in place and be ready to break ground as soon as the tract is turned over.

Director Svetz voiced her appreciation to Public Alliance for helping the District to think ahead on these sorts of projects.

### *Resident Relations*

Ms. Innes provided a resident relations overview. She noted that December was relatively quiet, and that Public Alliance was able to utilize the extra time to complete open projects and to plan for 2022. There were only 58 resident inquiries in December, the lowest number in any month in 2021. However, January is proving to be back to a normal, busy schedule for inquiries. Public Alliance sent three email blasts, and Ms. Innes announced that anyone wishing to read previous email blasts can find them on the website. Additionally, the website is updated with the dates for all Committee Meetings, Board Meetings, and trash and recycle dates. Social events will be updated after the January Social Committee Meeting.

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Director Svetz added that the calendar on the website is done in such a way that one can subscribe to it and all dates will sync to one's phone.

Ms. Innes added that she has been doing WordPress training and making several changes to the website to make sure that things are intuitive and easy to find.

*Landscaping and  
Facilities Management*

She then provided the following updates:

- Winter watering was done for the trees in December. An additional winter watering may be done in January depending on snowfall.
- The hardware for irrigation updates has been purchased and recently arrived at the Public Alliance office.
- Fence repairs will occur after the maintenance technician is hired and trained.

Director Colwell inquired about the status of winter watering and the associated warranties on trees. Mr. Beckman reported that to the best of his knowledge as long as the vendor is in control of the winter watering schedule, the warranty is protected.

**Residential Improvement  
Updates**

Director Svetz addressed the Board regarding a survey in the Aurora Water bills asking if new developments should have non-functional turf. The City of Aurora has proposals for significantly altering the amount of non-functional turf in new developments. She noted that she had posted this link on social media and encouraged residents to participate in the survey.

She then explained that a resident, having seen the link, requested that the Board discuss altering the District's policy on artificial grass in front yards, and noted that the Board discussed the matter last year and decided that artificial turf in front yards is not consistent with the esthetic of the community. Director Svetz suggested that the Board schedule further discussion on the matter in the upcoming months.

*Residential Improvement  
Committee Update*

Mr. Schubert presented his report to the Board. He noted that things have slowed down for the Committee due to the colder months. He and Ms. Sulzle have scheduled a driving tour to review exterior lighting compliance in the community. Possible clarifications to the guidelines regarding exterior lighting are in discussion.

*AMI Update*

Ms. Sulzle reviewed her reports with the Board. She noted that there were 35 new requests this month, 23 new created violations, and 42 updated violations. There were 25 violations that were resolved.

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Director Svetz reported that there was a certain contractor that was assuring residents that the contractor had secured approval from the Committee on their behalf. The District added an announcement to an eblast to make sure it was communicated that approval for all improvements is granted by the District directly to its residents, and will not be issued to a contractor.

*Residential Improvement  
Committee Application*

Steve Powers introduced himself to the Board. He expressed his eagerness to join the Committee.

Upon a motion duly made by Director Svetz, seconded by Director Colwell and, upon vote unanimously carried, the Board approved the application of Mr. Powers to the Residential Improvement Committee.

*Flag and Sign Rules*

Director Svetz reviewed the revisions to the Residential Improvement Guidelines (“the Guidelines”) with the Board. Director Curtiss asked clarifying questions about “No Trespassing” signs being considered commercial in nature. Ms. Hartung explained that this matter was previously discussed, and the District has come to resolution. Director Curtiss also asked if there were restrictions on the size of political signs, and Ms. Hartung answered that as the Guidelines are currently written there are not, but in practice political signs are typically smaller in size. She noted that the Guidelines will likely evolve, and the District can pivot as concerns are raised, but that her recommendation is for the Guidelines to be content neutral.

Upon a motion duly made by Director Svetz, seconded by Director Colwell, and upon vote unanimously carried, the Board approved the revisions to the Guidelines as presented.

**Social Updates**

*Social Committee Update*

Ms. Innes reviewed the update with the Board. She noted that the Holly Jolly Jamboree was a big success with thirteen residents volunteering. She encouraged additional participation via committees next year.

**Common Area and  
Landscaping Updates**

*Common Area Committee  
Update*

Mr. Berkstresser reported that the Committee has been inventorying all trees within the District. He noted that the Committee is engaging a consultant to inspect retaining walls. He added that the Committee is looking at areas of native grass which have been problematic, and alternatives may be considered. He then reported that the Common Area Committee has discussed the gas fired amenities and is recommending that they be decommissioned due to the ongoing expense and liability

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associated with their operation in light of repeated vandalism incidents in the past few months.

Director Colwell asked if it would be worth considering a way to regulate the use of the amenities more stringently. Mr. Berkstresser explained that they expect ongoing abuse. Director Svetz noted that a recent survey of similar communities shows that these kinds of amenities are not common in public areas. The Board discussed the need to review the District's security systems. Director Svetz recommended the Board engage a security consultant to help research solutions. The Board discussed turning off the amenities and finding an alternative use for the areas in question.

Upon motion duly made by Director Svetz, seconded by Director Curtiss and, upon vote unanimously carried, the Board directed staff to turn off the gas indefinitely at all District controlled amenities and request that the Developers do the same.

*Proposals from Roberts  
Treescaping, LLC ("RTS  
Landscaping")*

Director Curtiss reviewed the proposals with the Board. He explained that it is necessary to spend \$134,000 to clean out four of the five ponds in the District, with the fifth to be cleaned out at a later date. They require various levels of silt and vegetation removal and regrading. He explained that this is a result of 12 to 15 years of deferred maintenance, and once this initial maintenance is complete, ongoing maintenance will be required at a lower cost.

Upon a motion duly made by Director Svetz, seconded by Director Smith and, upon vote unanimously carried, the Board approved the proposals from RTS Landscaping for one-time maintenance on Water Quality Detention Ponds 6U, 6L, 4B, and Rockinghorse Pond 3; Outlet Reconfiguration for Water Quality Detention Pond 6L, and Annual Maintenance for Ponds 4B, 5, 6U, 6L.

*ICON Engineering  
Proposal*

Director Curtiss reviewed the proposal with the Board. He noted that the City rejected the District's previous plan for the Piney Creek Trail Connection because the grade of the slopes on the sides of the trail were too steep. A new plan is being submitted to the City that includes a solution for the grade of the slope and also minimizes grading over the Kinder Morgan gas line by slightly rerouting the trail. The proposal from ICON Engineering estimates \$13,000 for all outstanding items, and includes the entire scope of work.

Upon a motion duly made by Director Svetz, seconded by Director Colwell and, upon vote unanimously carried, the Board approved the proposal by ICON Engineering.

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## **Finance Updates**

### *Finance Committee Update*

Mr. Paper reviewed his update with the Board. He stated that at their last meeting, the Finance Committee reviewed the November financials. As of November, revenues were ahead and expenses were below what was projected, but there are still big expenditures coming in December, like the upgrades to the irrigation system. He reported that the committee updated the long-range financial model with the 2022 Final Budget, the master schedule of contracts, and that they are discussing the process for handling and tracking reserve disbursements as they anticipate spending funds on related projects in 2022.

### *Payment of Claims*

Director Colwell reviewed the payment of claims with the Board.

Following discussion and review, upon a motion duly made by Director Colwell, seconded by Director Svetz and, upon vote unanimously carried, the Board approved the payment of claims as presented.

### *Financial Statements*

Director Colwell reviewed the unaudited financial statements for the period ending November 30, 2021. He noted that the remaining action necessary to take for 2021 will be to finalize transfers from the general to the operating and capital projects funds. He further noted that the District is over budget on irrigation costs, but that was a conscious decision made with purchases targeted toward future conservation in mind.

Upon a motion duly made by Director Colwell, seconded by Director Curtiss and, upon vote unanimously carried, the Board approved the unaudited financial statements as presented.

## **Legal Updates**

### *May 3, 2022 Election and Call for Nominations*

Ms. Hartung discussed the process for completing the Call for Nominations which will include emailing and mailing active registered voters in the District as well as publishing and posting to the District's website. Director Svetz encouraged any interested members of the community to consider submitting a self-nomination form. She added that any of the resident Board members would be happy to talk to any interested party about what is involved.

### *Independent Contractor Agreement with Waste Connections of Colorado*

Ms. Hartung reviewed the changes requested by the contractor to the Waste Connections contract with the Board, and made recommendations as to which changes were reasonable. The Board directed Ms. Hartung to update the contract with the comments as discussed.

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**Executive Session**

Director Svetz addressed members of the public, thanked them for coming and for their support, and advised them on the need for the Board to convene in executive session.

As there was no other business on the agenda, the members of the public left the meeting at this time.

Upon motion of Director Svetz, seconded by Director Smith, and upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 6:59 p.m. for the purpose of receiving legal advice pursuant to §24-6-402(4)(b), C.R.S. regarding covenant and collection litigation.

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 Board reconvened in regular session at 7:35 p.m.


**New Business**

There was no new business.

**Adjournment**

Upon a motion duly made by Director Colwell, seconded by Director Curtiss, and upon vote unanimously carried, the meeting was adjourned at 7:36 p.m.

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

DocuSigned by:  
  
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Secretary for the Meeting

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing the Inspiration Metropolitan I attended the executive session meeting Inspiration Metropolitan District convened at 6:59pm on January 11, 2022 for the sole purpose of discussing collection and covenant enforcement matters as litigation as authorized by Section 24-6-402(4)(b), C.R.S. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic, was

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kept or required to be kept pursuant to Section 24-6-402(2)(b),  
C.R.S. or Section ~~24-6-402(2)~~(d.5)(II)(B), C.R.S.

*Heather Hartung*  
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Heather L. Hartung, Esq.

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