

**HEATHER GARDENS METROPOLITAN DISTRICT
REGULAR MEETING
Thursday, October 20, 2022**

The regular meeting of the Board of Directors of the Heather Gardens Metropolitan District was held via Zoom/Telephone in the Heather Gardens Clubhouse and in the board room at 2888 S. Heather Gardens Way, Arapahoe County, Colorado, on Thursday, October 20, 2022, at 1:00 P.M.

CALL TO ORDER: President Funk called the meeting to order at approximately 1:00 P.M. on Thursday, October 20, 2022. A quorum was present.

BOARD MEMBERS PRESENT: President David Funk, Vice President Eloise Laubach, Secretary/Treasurer William Archambault, and Director Maria Mines.

BOARD MEMBERS ABSENT: None.

STAFF PRESENT: Chief Financial Officer (CFO) Jerry Counts, Contracts Manager Don O’Gorman, and Board Assistant Evelyn Ybarra.

GUESTS PRESENT: Jennifer L. Ivey, Icenogle Seaver Pogue, P.C., 3 members of the Heather Gardens Association Board, Lynn Donaldson with Heather ‘n Yon, and approximately 19 members of the public were present.

PRESIDENT REMARKS None.

CHANGES TO AGENDA: Item b under New Business on the agenda was changed to Consider the Approval to Update the Existing HVAC Building System and Software Computer.

APPROVAL OF MINUTES: Motion made by Vice President Laubach and seconded by Director Mines and passed unanimously to approve the minutes of the September 22, 2022 Special Meeting, as written.

Motion to make Appointment to the Vacancy on the Board of Directors (Mitch Albert): Motion made by Direct Mines and seconded by Vice President Laubach and passed unanimously to appoint Mitch Albert to the Board of Directors.

Mr. Albert introduced himself and provided his background experience as Treasurer for a previous HOA Board for over six years and is a certified appraiser. His interest in serving on the Board is to help maintain the District amenities offered at Heather Gardens.

Ms. Ivey's requested Mr. Albert's information to verify he is an eligible elector of the District, thereafter her office will prepare, transmit to Mr. Albert, and file the oath of office that must be completed and filed with the court, the state, and the county within 30 days of the appointment.

REPORTS OF DIRECTORS, COMMITTEES, AND PROFESSIONAL CONSULTANTS:

Chief Executive Officer (CEO) Report: The Board received a copy of the CEO's Statement of Work and Third Quarterly Report. CEO Rea could not attend the meeting due to a conflict in the schedule.

Clubhouse/Restaurant Committee: The Board received a copy of the Clubhouse/Restaurant Report. Director Mines reported that the Clubhouse and Restaurant are doing well. Manager Montrell provided a list of classes and activities in the Clubhouse. Manager Cormac continues to do his best to keep the Restaurant going. There were comments on how well and popular the breakfast brunch is doing at the Restaurant. There were no questions or further comments.

Foundation Committee: No meeting. Vice President Laubach commented that she received the good news that the bench approved two years ago is finally here and will be assembled, and the landscape project approved a year ago will begin soon. There were no questions or comments.

Golf Committee: No meeting.

Property Policy Committee: No meeting.

Joint Long Range Planning Committee (JLRPC): No meeting.

Treasurer's Report: The Board received a copy of the Treasurer's Report. Secretary/Treasurer Archambault confirmed that in the month of September, the Golf Course made a profit of \$886. There were no questions or comments.

Joint Budget and Finance Committee: The Board received a copy of the Joint Budget and Finance Report. Secretary/Treasurer Archambault reported that the committee met last Monday. The HGA's financial advisor, The Nice Group of Raymond James, presented how the money market fund's interest rate is doing better than the CDs. The HGA Board approved moving a substantial amount of money from the Capital Savings Account to the Money Market Funds; Money Market Funds are available the next day if needed. Secretary/Treasurer Archambault had asked CFO Counts to check with the District's banker if their Capital Savings, roughly \$700,000, could be moved to Money Market Funds. CFO Counts said that the District's banker had scheduled to meet with him next Tuesday, and he will have more information on this and will work on having them

at the next Joint Budget and Finance meeting. There were no further questions or comments.

UNFINISHED BUSINESS:

- a) **Motion to Approve the Bat Houses Proposal from the Green Team:** Motion made by Secretary/Treasurer Archambault to approve the installation of four bat houses on designated Heather Gardens Metropolitan District property at no cost or maintenance to the District and seconded by Director Mines. After further discussion and questions, the motion passed unanimously to allow the Green Team to install the bat houses on the designated District property.

Ms. Ivey asked from a legal perspective if there will be a license agreement or an easement agreement to allow the Green Team to place the bat houses and set forth their maintenance responsibilities and any limitations on use of the property; it is advised to have this in writing between the parties. The Board members agreed and requested that information be provided to Ms. Ivey to allow her to prepare an agreement.

NEW BUSINESS:

- a) **Motion to Approve the Capital Expenditure for the Removal and Replacement of the Clubhouse Pool Boiler (\$22,880):** Motion made by Director Mines and seconded by Vice President Laubach and passed unanimously.

Text of Motion: I move that the Heather Gardens Metropolitan District Board of Directors approve a contract with Long Mechanical to remove and replace the existing Clubhouse outdoor pool boiler. The cost to remove and replace the boiler is \$22,880, with a 10% change order reserve to cover the cost of unforeseen issues to complete the project. This project is budgeted not to exceed \$25,168 without prior HGMD Board approval.

Explanatory Comments: This item was approximately \$7,500 less than budgeted.

- b) **Motion to Approve to Update the Existing Clubhouse HVAC Building Automation System Software and Computer (\$17,697):** Motion made by Secretary/Treasurer Archambault and seconded by Vice President and passed unanimously.

Text of Motion: I move that the Heather Gardens Metropolitan District Board of Directors approve the project to update the existing Clubhouse HVAC building automation system software and computer and cost not to exceed \$17,697.

Explanatory Comments: This is an unbudgeted item but is within appropriated funds.

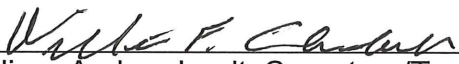
OPEN FORUM:

A resident asked about the status of an email sent to President Funk, CEO Rea, and others to consider a security system for the RV Lot. President Funk said he and Contracts Manager O’Gorman are looking into this along with the previous request on bids and will discuss this further with this resident offline with more details.

A resident asked if there was a timeframe for when the pool boiler will be complete. Contracts Manager O’Gorman commented that the boiler will be installed in January 2023, and the contractor will be back when the pool opens to ensure it is working properly. The same resident also asked about the status of the indoor pool filter system. President Funk commented that engineers and contractors are looking into this as it is a budgeted item for repairs.

A resident asked if any other vacancy on the board needed to be filled. President Funk commented no, but four seats will be up for election as part of the May 2023 regular special district election.

ADJOURNMENT: Upon motion by Secretary/Treasurer Archambault, seconded by Vice President Laubach, and passed unanimously, the meeting adjourned at 1:51 P.M.



William Archambault, Secretary/Treasurer