

**HEATHER GARDENS METROPOLITAN DISTRICT  
REGULAR MEETING  
Thursday, December 17, 2020**

The regular meeting of the Board of Directors of the Heather Gardens Metropolitan District was held via Zoom/Telephone in the office of the District, 2888 S. Heather Gardens Way, Arapahoe County, Colorado, on Thursday, December 17, 2020 at 1:00 P.M.

**CALL TO ORDER:** President Funk called the meeting to order at approximately 1:00 P.M. on Thursday, December 17, 2020. A quorum was present.

**BOARD MEMBERS PRESENT:** President David Funk, Treasurer and Secretary William Archambault, Vice President Michael George, and Directors Rita Effler and Eloise Laubach.

**BOARD MEMBERS ABSENT:** None

**STAFF PRESENT:** General Manager Calvin White, Controller Jon Rapacki, Operations Manager Jon Rea, and Board Assistant Evelyn Ybarra.

**GUESTS PRESENT:** Jennifer Ivey, Icenogle Seaver Pogue, P.C., two members of the Heather Gardens Association Board, Lynn Donaldson, with Heather 'n Yon, and approximately 23 members of the public were present.

**APPROVAL OF MINUTES:** Motion made by Vice President George and seconded by Treasurer and Secretary Archambault and passed unanimously to approve the minutes of the November 19, 2020 Regular Meeting as corrected.

**REPORTS OF DIRECTORS, COMMITTEES, AND PROFESSIONAL CONSULTANTS:**

**President Report:** President Funk reported the Mill Levy for 2021 had been certified. The follow up on the Department of Local Affairs COVID grant had been completed to receive money on expenses related to the grant that the District was able to secure.

**General Manager's Report:** The Board received a copy of the General Manager's Statement of Work (SOW) Report. General Manager White reported the new state mandate changes regulations on attendance for houses of worship. The Chapel Services in the Clubhouse will begin on Sunday with the same capacity rules as previously.

**Clubhouse/Restaurant Committee:** No Meeting.

**Foundation Committee:** The Board received a copy of the Foundation's Report. Director Laubach reported there is a vacancy on the Committee due to a member

resigning. There will be a double report in the Heather 'n Yon February issue on Foundation due to missing the deadline on December 14 for January's issue.

**Golf Committee:** No Meeting.

**Property Policy Committee:** No Meeting.

**Treasurer's Report:** There was no Treasurer's report because the November financials were incomplete.

Treasurer and Secretary Archambault asked General Manger White if the District's map boundaries were filed as required by the 2021 calendar Statutory deadlines. The District needs to file on or before January 1 of each year a current, accurate map of the District boundaries or submit a letter stating there are no changes to the boundaries with the Division Local Government, the County Clerk, and Recorder the County Assessor. General Manager White commented he would follow up on this and ensure completion prior to the statutory deadline.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

- a.) **Motion to approve 2021 Commerical Insurance Program for Heather Gardens Metropolitan District (\$52,293):** Motion made by Treasurer and Secretary Archambault, and seconded by Director Laubach, and passed unanimously.

Text of Motion: I move that the Heather Gardens Metropolitan District Board of Directors approve January 1, 2021 to December 31, 2021 Commercial Insurance Program for the Metropolitan District in the amount of \$52,293.

This includes General Liability, Property, Crime, Automobile, Equipment Breakdown, Public Officials Liability, Excess Liability, and Workers Compensation for Directors and volunteers policies through McGriff Insurance Brokers.

Explanatory Comment: Property insurance premiums are increasing dramatically all over the United States for HOA, condos, and apartment complexes due to the financial impacts to insurers of hail/wind storms, massive western wildfires, hurricanes, tornadoes, flooding, etc. Our property insurance premium this year increased by 23.7%, which is consistent with the current market. The Heather Gardens Metropolitan District, like communities across the country, is seeing the impact of this increase.

The overall increase in coverage for this year is \$2,974, which represents an overall premium percentage increase of six (6) percent over the prior year's total premium.

Note: All insurance coverage is through the Colorado Special Districts Property and Liability Pool (Pool). We did not require outside insurance/separate vendor insurance. Next year, the District will go directly to the Pool rather than using an insurance broker.

- b.) Motion to accept Restaurant Rooftop HVAC Unit replacement with added Air Purification (\$118,418):** Motion made by Vice President George and seconded by Treasurer and Secretary Archambault. Outcome of vote 3 For and 1 Absent/Abstain (Director Effler), motion passes as amended.

Text of Motion: I move that the Heather Gardens Metropolitan District Board of Directors accept the Long Mechanicals proposal for \$102,973 plus a 15% change order reserve for all the unknowns associated with this project for a total of \$118,418, which is \$1,582 under the budgeted amount. Long Mechanical is our preferred contractor for the following reasons: Long Mechanical controls our existing IT, and it is proprietary. Long is the manufactures representative for Daikin. We have a service agreement with Long already for all our HVAC units at the Club. We have had a successful 8-year relationship with Long Mechanical. The approval is based on the assumption that no additional bids are received before the deadline of December 18 at 4 P.M. If additional bids are received, this motion will be brought back to the January meeting. (Follow-up note: no additional bids were received.)

Explanatory Comment: A brief history of RTU#1: In 2011 - 2012, when the Club was being built, there were no HVAC units available designed to work with the limited available roof space and the heating VAV (Variable Air Volume) units. So, a Trane unit was installed, but it had to be heavily modified to work with what was designed. Starting around 2016, this unit has needed multiple costly repairs, and because of the modifications, parts were hard to locate and expensive when located. The evaporative coil has leaked multiple times, putting a refrigerated gas inside the restaurant. A new evaporative coil replacement was budgetarily quoted at \$17,500. As the compressor exploded, other damage may have occurred but will not be known until the compressor is replaced.

- c.) Motion to approve Replacing Lake Fountain at North Lake using Conservation Trust Fund (Lottery) \$8,360:** Motion made by Vice President George and seconded by Treasurer and Secretary Archambault. Outcome of vote 3 For and 1 Absent/Abstain (Director Effler), motion passed.

Text of Motion: I move that the Heather Gardens Metropolitan District Board of Directors approve purchasing Otterbine Lake Fountain and components for \$6,185 from L.L. Johnson plus \$2,175 for install by Crotzer Electric for a total project cost of \$8,360 using Conservation Trust Fund (Lottery).

Explanatory Comment: The fountain at North Lake is old. It was purchased before 1998 and was repaired and rebuilt around 10 years ago. The lake fountain is a visual attraction to the golf course and grounds. It also provides circulation and aeration for the lake water. This helps combat algae and other problems associated with stagnant water. This is a 2020 Capital budget item.

- d.) Motion to approve of Continued Engagement of Icenogle Seaver Pogue, P.C. to Legal Services:** Motion made by President Funk and seconded by Vice President George. Outcome of vote 3 For and 1 Absent/Abstain (Director Effler), motion passed.

Text of Motion: I move that the Board of Directors approve the continued engagement of Icenogle Seaver Pogue, P.C. to provide Legal Services.

Icenogle Seaver Pogue, P.C. will provide the Board of Directors at the December Board meeting each year with a detailed listing of hourly rates to be charged for the following year.

**OPEN FORUM:** None.

**Executive Session:**

- e.) Motion to approve for the Board of Directors to go into Executive Session:** Motion made by President Funk to convene into an Executive Session pursuant to Sections 24-6-402(4)(b) and 24-6-402(4)(e), C.R.S. for the purposes of determining positions relative to matters that may be subject to negotiation, developing a strategy for negotiations, and instructing negotiators in connection with and conferencing with an attorney to receive legal advice on specific legal issues regarding the District's Management Agreement. Treasurer and Secretary Archambault seconded the motion. Outcome of vote 3 For and 1 Absent/Abstain (Director Effler), motion passed. The Board members exited the meeting and convened into Executive Session meeting at approximately 1:39 P.M.


Director Effler was in attendance for a portion of the Executive Session but was not able to attend the full session.

Motion made by Vice President George to close the Executive Session and reconvene the public meeting, seconded by President Funk. Outcome of vote 3



For and 1 Absent/Abstain (Director Effler). The Board reconvened the public meeting at approximately 3:08 P.M.

**ADJOURNMENT:** The meeting adjourned at 3:16 P.M.

  
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William Archambault, Treasurer and Secretary