



**HEATHER GARDENS METROPOLITAN DISTRICT
SPECIAL MEETING
Friday, November 17, 2023**

The special meeting of the Board of Directors of the Heather Gardens Metropolitan District was held in the board room and via Zoom/Telephone in the Heather Gardens Clubhouse at 2888 S. Heather Gardens Way, Arapahoe County, Colorado, on Friday, November 17, 2023 at 1:00 P.M.

PLEDGE OF ALLEGIANCE: The Board recited the Pledge of Allegiance.

CALL TO ORDER: President Daniel Taylor called the meeting to order at approximately 1:00 P.M. on Friday, November 17, 2023. A quorum was present.

BOARD MEMBERS PRESENT: President Daniel Taylor, Vice President Eloise Laubach, Secretary Robin O'Meara, Treasurer Rita Effler, and Director Craig Baldwin.

BOARD MEMBERS ABSENT: None.

STAFF PRESENT: None.

GUESTS PRESENT: Jennifer L. Ivey, Icenogle Seaver Pogue, P.C., five members of the Heather Gardens Association Board, Lynn Donaldson with Heather 'n Yon, and approximately 29 members of the public were present.

APPROVAL OF MINUTES: Motion made by Director Baldwin and seconded by Treasurer Effler and passed unanimously to approve the following minutes: June 12, 2023, July 15, 2023, August 15, 2023, August 16, 2023, August 24, 2023, September 20, 2023, September 27, 2023, Special Meetings and September 21, 2023, Regular Meeting, as written.

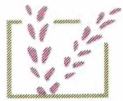
PRESIDENT'S REPORT: President Taylor reported the Board has completed the dispute resolution mediation process with HGA on November 16, 2023 and no issues were resolved.

TREASURER'S REPORT: The Board received a copy of the Treasurer Report. Treasurer Effler reported she monitors the four bank accounts she has access to and checks their balances daily. There were no questions/comments.

MANAGEMENT REPORT: There was no report.

COMMITTEE REPORTS:

- a. **Audit/Finance and Clubhouse Joint Committee Report:** The Board received a copy of the Audit/Finance report. There were no questions/comments.



Heather Gardens

METROPOLITAN DISTRICT

The Board received a copy of the Clubhouse report. Treasurer Effler commented that the Committee did a walkthrough of the Clubhouse to see what they could improve, and it was suggested that the daily schedule of events be displayed on the TV monitor so that people could see it when they walked in the front door. The Assistant Clubhouse Manager had it displayed the next day. There were no questions/comments.

- b. **Clubs and Activities Report:** No report.
- c. **Compliance Committee Report:** No report.
- d. **Foundation Committee Report:** The Board received a copy of the Foundation report. There were no questions/comments.
- e. **Golf Committee Report:** No report.
- f. **Restaurant Committee Report:** No report.
- g. **Recreational Vehicle (RV) Lot Committee Report:** The Board received a copy of the RV Lot report. There were no questions/comments.

UNFINISHED BUSINESS:

- a. **Request Status Report on Directed Tasks:** There was a discussion regarding an email that was sent to the Board prior to the meeting with directions for directed tasks.

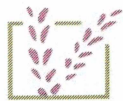
NEW BUSINESS:

- a. **Approval of the Golf Simulator Monitor:** Motion made by President Taylor and seconded by Director Baldwin and passed unanimously.

Text of Motion: Upon the recommendation of the Heather Gardens Golf Committee, I move that the Heather Gardens Metropolitan District Board of Directors approve the purchase of a new Uneekor QED overhead-mounted launch monitor for the existing golf simulator.

Explanatory Comment: The Golf Committee approved the motion by Ed Bradley and seconded by Linda Savage to replace and upgrade the current launch monitor for the golf simulator, as the current unit (SkyTrak) lacks full accuracy, sits on the ground, and is susceptible to damage.. Since the District charges for the use of the golf simulator, we should have a product that gives the highest grade of accuracy and information.

The new unit will have more in-depth information and a cleaner presentation, which



Heather Gardens

METROPOLITAN DISTRICT

placed above the head and out of the way. For the new unit, we will not require an annual fee as the current unit does. The new unit will have more in-depth information and a cleaner presentation, which will support increasing the fees in the future. The golf pro believes the new unit will create more traffic flow in the winter, and he plans to collaborate with the restaurant for rental events or parties. The golf pro will be able to have more in-depth lessons, which should also increase lesson revenue. The ultimate goal is to create more revenue during a period when we do not have revenue generated from the golf course during bad weather.

- b. **Approval of End of Year Audit Contract (\$23,000-\$28,000 based on an hourly rate of \$130 per hour)**: Motion made by Treasurer Ellfer and seconded by Director Baldwin and passed. Director Eloise Laubach voted no.

Text of Motion: Upon the recommendation of the Heather Gardens Audit/Finance Committee, I move that the Heather Gardens Metropolitan District Board of Directors approve entering into a contract for audit services from Crady, Puca & Associates for the year ending December 31, 2023.

Explanatory Comment: The District believes it is prudent to periodically conduct an audit by a different CPA firm from prior audits and separate from the audit performed by the Heather Gardens Association. This firm has experience auditing metropolitan districts and is an all-women-owned, Denver-based firm.

- c. **Approval to Terminate RV Lot Lease Space 58**: Motion made by ~~President Baldwin~~ and seconded by Director Baldwin and passed unanimously. *PRESIDENT TAYLOR*

Text of Motion: I move that the Heather Gardens Metropolitan District Board of Directors terminate the lease for space 58 in the RV Lot pursuant to paragraph 6 of the lease agreement, allowing either party to terminate upon written notice provided at least 30 days prior to the last day of any calendar quarter. Such notice shall be provided on or before December 1, 2023. Explanatory Comment: The Golf Committee has reviewed and revised its procedure memorandum as presented.

Explanatory Comment: An RV Lot lessee has been suspended from using the District properties for one year since October 12, 2023, and was abusive to HGA employees. The termination of the RV lot space rental is the least restrictive way to minimize contact between the leasee and HGA employees.

- d. **Approval of Purchase Kitchen Design (Not to Exceed \$10,000)**: Motion made by Secretary O'Meara and seconded by Treasurer Effler and passed unanimously.

Text of Motion: Based on the recommendation of the Restaurant Committee, I move that the Heather Gardens Metropolitan District Board of Directors enter into a contract with Battle Born and Company to redesign the existing kitchen layout

and extended operating hours for 2024. The goal is to install kitchen equipment to replace the 10-year-old equipment in disrepair and add new equipment in a layout that will maximize the available space and increase efficiency for the staff. Battle Born and Company will design the layout for approval of the Restaurant Committee and serve as the project manager to oversee the work to be completed.

- e. **Approval to Remove and Dispose of Old Kitchen Equipment and Replace with New Kitchen Equipment (\$119,500)**: Motion made by Secretary O'Meara and seconded by Director Baldwin and passed unanimously as amended with the correct amount.

Text of Motion: Based on the recommendation of the Restaurant Committee, I move that the Heather Gardens Metropolitan District Board of Directors enter into a contract with Battle Born and Company to remove the current kitchen equipment and replace it with new kitchen equipment. Additional pieces of kitchen equipment will be purchased and installed to support the implementation of the expanded menu. This contract is not to exceed \$119,500.

Explanatory Comment: Because the kitchen equipment was purchased as used in 2010, the equipment is 10 years old or more, and needs to be replaced. Repair is not a financially viable option. Additional pieces of equipment need to be purchased to implement an expanded menu. For example, to support serving breakfast items and pasta dishes. In addition, the extended hours of the restaurant will put a strain on the already limited capacity and life of the kitchen appliances. The normal useful life of commercial kitchen equipment is three to five years.

- f. **Approval of Purchase RV Lot Fencing (\$110,000)**: Motion made by President Taylor and seconded by Director Baldwin and passed unanimously.

Based on the recommendation of the RV Lot Committee, I move that the Heather Gardens Metropolitan District Board of Directors accept the proposal from AJI Fencing to cut off and haul away the existing RV Storage Lot galvanized chain link fence and furnish and install approximately 1,137' of 7' tall Ameristar Montage Plus Invincible Fence using 2-1/2" square steel posts installed in concrete footings and Montage Plus Invincible panels attached to posts with bracket assembly at a cost of \$106,025 with a reserve of \$3,975 for a total of \$110,000.

Explanatory Comment: The existing chain link fence is over 50 years old and has extensive damage. Its history shows that it is painfully unable to prevent trespassers and thieves from making entry into the lot. As a result, there have been continuous thefts of catalytic converters and batteries, property damage to RV windows and interiors, and even the theft of a camping trailer and a speed boat. The price of steel will undoubtedly increase significantly over the next few

years. Therefore, it will be less costly to secure the price this year.

- g. Approval of Purchase of RV Lot Sitewatch Pro 3 Camera and Streetlight Reimbursement (\$9,230.72):** Motion made by Director Baldwin and seconded by Vice President Laubach and passed unanimously.

Text of Motion: Based on the recommendation of the RV Lot Committee, I move that the Heather Gardens Metropolitan District Board of Directors 1) accept the proposal from Sensera to purchase one SiteWatch Pro3 Camera Kit for \$4,749.05 and 12 months of SiteCloud service for \$4,308.00 for a total cost of \$9,057.05; 2) reimburse Forrest McClure for one Dimgogo 3000W, 180,000 lumen solar powered streetlight for \$150.72; and 3) reimburse Forrest McClure for one OKPRO S-144XM 50W, 6,000 lumens solar powered motion detection light for \$22.95. (Total reimbursement \$173.67)

Explanatory Comment: This is a proven and tested system that was successfully used for three months in the lot. It has a 13 MP CMOS Sensor. The Security Department Manager, David Marris, would like a camera that provides an alert when motion is detected, and at least one should be at the gate. He recommends the Sensera camera and noted that it has an overall rating of 4 stars.

The Dimgogo 3000W, 180,000 lumen solar powered streetlight has been mounted on a pole along the Army Corps of Engineer's fence since October 23, 2023, purchased by Forrest McClure from Amazon. The light has performed according to expectations.

Order Summary:

Item(s) Subtotal	\$199.00
Shipping & Handling	\$0.00
Coupon Savings	- \$59.70
Total before tax	\$139.30
Tax collected	\$11.14
CO Retail Delivery Fees	\$0.28
Grand Total	\$150.72

The OKPRO S-144XM 50W, 6,000 lumens solar powered motion detection light is being used to illuminate anyone approaching the fence near space #74 (an area that has experienced multiple intrusions). The light is off until it detects motion and turns on to 100% illumination when motion is detected. The light was purchased by Forrest McClure from Amazon and is performing according to expectations.

Order Summary:

Item(s) Subtotal	\$20.99
Shipping & Handling	\$0.00

Total before tax	\$20.99
Tax collected	\$1.68
CO Retail Delivery Fees	\$0.28
Grand Total	\$22.95

PUBLIC COMMENT:

Secretary O'Meara stated that she is subject to recall from the Board of the Metropolitan District, and there is a petition in the process of filing. She said she has "stepped up" for Heather Gardens residents to protect their investments in Heather Gardens properties (Clubhouse, Restaurant, and Golf Course). She noted that she appreciated those who voted for her and said she would fight this but needed to hire her own attorney, and will be setting up a GoFundMe page for legal expenses to fight the petition.

Treasurer Effler stated that she was also subject to the recall. She noted that she has volunteered 8-12 hours of her time a day, at this time, she has not decided on what she will do.

Attorney Ivey clarified that no one is yet being recalled. The Committees to Recall board members filed a motion to appoint a Designated Election Official. No one is subject to recall until the petition is approved to be formed, circulated, and received adequate signatures and certified as having adequate signatures.

A resident commented that this is the first she has heard of this and is disappointed in whoever brought this forward. She thanked the Board for their work and hopes they will consider continuing to be a part of the community in active roles they volunteer to do.

A resident asked how many signatures were required on the petitions and said he would support the Board. Treasurer Effler said 300 signatures are required.

President Taylor noted that the Board would look into this and take action on what needs to be done. He further noted that a small group filed the petition, and within the small group were two who disagreed with the HGMD budget for the restaurant.

Treasurer Effler inquired if formal approval from Management could be acquired to extend the pool hours for family time from December 16, 2023, to January 2, 2024. President Taylor said he would look into this.

A resident commented that he supported having the pool open for more family time but wants to ensure the cleaning schedule is not interrupted.

A resident commented that Assistant Clubhouse Manager Julie Racich does an outstanding job and would suggest she be recommended for the Clubhouse Manager open position. The Board commented that they are not involved in the hiring process.

ADJOURNMENT: Upon motion by Treasurer Effler, and seconded by Director Baldwin, and passed unanimously, the meeting adjourned at 2:38 p.m.



Robin O'Meara, Secretary