

MINUTES OF A REGULAR MEETING OF THE  
BOARD OF DIRECTORS

OF

BRIGHTON CROSSING METROPOLITAN DISTRICT  
NO. 4

Held: Monday, June 12, 2017, at 5:00 p.m.  
At The Police Station Community Room, 3401 E.  
Bromley Lane, Brighton, Colorado.

**Attendance**

The meeting referenced above was called and held in accordance with the applicable statutes of the State of Colorado. The following Directors were in attendance:

Ashley Taruffelli  
Marc Savela  
Chris Petro  
Shannon Robbins  
Bryan Reid

*All Directors' absences are deemed excused unless a contrary notation is recorded in these minutes.*

Also present were Kristen D. Bear, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District general counsel; Jennie Heinze, Overlook Property Management, District manager; Kimberly Johanns, Simmons & Wheeler, District accountant.

Members of the public in attendance at the meeting are reflected on the attached sign-in sheet.

**Call to Order/Declaration of  
Quorum**

Director Taruffelli noted that a quorum of the Board was present and therefore called the meeting to order.

**Director Disclosures**

Ms. Bear advised the Board that pursuant to Colorado law, certain disclosures by the Directors may be required prior to taking official action at the meeting. The Board reviewed the agenda for the meeting, following which each Director confirmed the contents of any written disclosure previously made stating the fact and summary nature of any matters as required under Colorado law to permit official action to be taken at the meeting. Additionally, the Board determined that the participation of the Directors present were necessary to obtain a quorum or otherwise enable the Boards to act.

## **Approval of Agenda**

Ms. Bear presented the Board with the proposed agenda for the meeting. After consideration, a motion was duly made and seconded to approve the agenda.

## **Public Comment**

Mr. Clemens expressed he is concerned about the limits as to how many guests residents are permitted to have at the pool during busy season.

Mr. Petro expressed concerns about the changes being made to access the pool.

Mr. Ruis requested an adult swim time to be permitted.

Ms. Heinze noted that there is a \$10.00 one-time payment for key cards, residents are allowed a maximum of five (5) guests per day and suggested that a pool committee be established. Ms. Heinze also noted that adult swim is prohibited by documentation case law etc.

Director Savela confirmed that the second week in July for community meeting as future pool expansion and city park.

Mr. Whalen discussed the enforcement of covenants on land owners by developer.

Mr. Reid noted that Brightview will be performing general cleanup with landscaping at the end of July.

Ms. Hutchison expressed concern with kids playing in the fountain at the park using dog waste bags as toys. Ms. Heinze to talk with landscaping and ask about moving dog waste station.

Ms. Davis expressed HOA Issues with Overlook relative to water issues in community area. Director Reid has coordinated.

Ms. Ronning expressed HOA concerns relative to house painting. States that the notice is ambiguous as to what the standard should be.

Mr. Whalen had questions on HOA turnover and on establishing community HOA. They also had questions in regards to social events and activities. Ms. Heinze to post on Overlook's website and email.

The Board took questions on pool safety basics, 15 minutes each.

The Board took questions on renting the facility after hours.

Residents expressed concerns about having five different fences approved in community.

**Consider Appointment to Officers**

The Boards expressed a need for appointment of officers. Following discussion, upon motion duly made and seconded, the Board approved the appointment of Director Savela to President, Director Robbins to Assistant Secretary, Director Reid to Assistant Secretary, and Director Tarufelli to Secretary/Treasurer and authorized her to sign checks on behalf of the District.

**Consent Agenda**

The following items on the consent agenda were considered routine or administrative. Following a summary by Ms. Bear, the items on the consent agenda approved by one motion duly made and seconded.

1. Approval of Minutes and Ratification of Actions from March 13, 2017, Regular Meeting
2. Ratification of Agreement with CRS Holdings, LLC for Cleaning Services

**Legal Matters**

Consider Request from Mr. Weimer to Amend Waiver for Accessing Recreation Amenities

Mr. Weimer presented the Board with a request to amend the waiver for accessing recreation amenities. Following a discussion, the request was denied. Ms. Heinze to follow up with Mr. Weimer as necessary.

Discuss Meeting Transparency

The Board engaged in a discussion regarding meeting transparency. It was determined to distribute meeting packets to the Board seven (7) days prior to each meeting.

Consider Approval of Conveyance of Tract D, Filing 1 to Brookfield Residential (Colorado) LLC

The Board engaged in a discussion on the Conveyance of Tract D, Filing 1 to Brookfield Residential LLC. Following discussion, upon a motion duly made and seconded, the Board approved the Conveyance of Tract D, Filing 1.

Update on Service Plan Amendment

Ms. Bear presented the Board with an update on the Service Plan Amendment, no action was taken.

**Financial Matters**

Payables/Financials

Ms. Johanns presented the March 2017 financials to the Board for consideration. After discussion, a motion was duly made and seconded, the Board accepted the March 2017 financials.

**Consider Approval of 2016 Audit**

Ms. Johanns presented the Board with the 2016 Audit. Following discussion, upon a motion duly made and seconded, the Board approved the 2016 audit subject to legal review.

**District Manager's Report**

Ms. Heinze provided the District Management report to the Board for review.

Ms. Heinze presented the Board with the check registers from January 1, 2017 to May 30, 2017, as well as the accounts receivable. Following review, upon motion duly made and seconded, the Board ratified the check registers and the accounts receivable.

Ms. Heinze presented a landscaping update for the beach club stating that Brightview is changing out the sand to grass and removing the octopus feature.

Ms. Heinze presented an update on the Tot Lot and playground. She presented the inspection report and also presented the Maintenance Inspection Contract for ratification. A motion was duly made and seconded and the contract was ratified by the Board.

Ms. Heinze presented an update on the Crossing's Recreation Center.

Ms. Heinze presented an update on the Crossings Park and Dog Park. A resident expressed concern with the proximity of the dog park to the playground and requested a solution to dogs being permitted to run off leash. Following discussion the Board determined the District is to add signage to the area. It was also decided the District would add scanner for keycards at the dog park.

Ms. Heinze presented an update on Landscaping. The courtyard contract with Keesen Landscape Management was presented to the Board for ratification in the amount of \$14,955.00. Following discussion, upon a motion duly made and seconded, the Board ratified the contract. The Board also discussed the fencing damage caused by Thoutt Bros. that has not been paid for, Split Rail to repair.

Ms. Heinze presented an update on District operations and management. The Board engaged in a general discussion regarding the Colorado Special Districts Property and Liability Pool. It was noted that there would be an increase in property deductible to \$1,000.00, an increase in general

liability deductible to \$500.00, and an increase in crime to \$750,000.00. Following discussion, upon motion duly made and seconded, the Board decided on a general liability value of \$3,345.95.

Ms. Heinze presented the Board with an update on the Brighton Crossing Design Guidelines.

Ms. Heinze presented the Board with an update on Courtyard Easement, she noted that they were all completed.

Ms. Heinze presented the Board with an update on federal and state income tax returns from Weidner & Associates, P.C. The fee for preparing the District's income tax returns will be \$150.00.

Ms. Heinze presented the Board with an update on the YMCA pool hours beginning August 14, 2017. It was noted that the pool will be closed during the week, open only on weekends.

Ms. Heinze presented an update on homeowner correspondence. The Board engaged in a general discussion regarding a painting extension. Following Discussion, upon motion duly made and seconded, the Board approved the painting extension. The Board was also presented with a day care concern, it was determined that White Bear Ankele is to review based on covenants and City licensing.

Ms. Heinze presented the Board with the violation report covering landscaping, trash containers, vehicle parking and painting.

Ms. Heinze presented the Board with the committee reports. The DRC is concerned about homeowner partially painted houses. Proposal for District to contribute to repainting.

### **Construction Matters**

Approval and Ratification of Outstanding Construction Matters of The following contractor contracts were approved/ratified by a motion duly made and seconded.

1. Split Rail Fence – 50<sup>th</sup> Avenue and Bridge Street Fence (\$255,426.00)
2. BrightView Landscape – 50<sup>th</sup> Avenue and Bridge Street Landscape and Irrigation (\$3,206,021.83)

The following contract change orders were approved/ratified by a motion duly made and seconded.

1. CO2 BrightView Landscape Development (\$0.00)
2. CO3 BrightView Landscape Development (\$13,643.47)
3. CO4 BrightView Landscape Development (\$11,802.00)
4. CO5 BrightView Landscape Development (\$7,310.00)
5. CO6 BrightView Landscape Development (\$23,933.00)
6. CO3 BrightView Landscape Development (\$15,911.80)
7. CO4 BrightView Landscape Development (\$61,974.00)
8. CO5 BrightView Landscape Development (\$1,398.00)
9. CO6 BrightView Landscape Development (-\$5,124.00)
10. CO7 BrightView Landscape Development (\$4,197.71)
11. CO8 BrightView Landscape Development (\$17,132.96)
12. CO9 BrightView Landscape Development (\$816.00)
13. CO10 BrightView Landscape Development (\$5,272.00)
14. CO11 BrightView Landscape Development (\$1,890.00)
15. CO2 Martin Marietta Materials (\$20,177.15)
16. CO3 Martin Marietta Materials (-\$61,586.45)
17. CO4 Martin Marietta Materials (\$27,738.47)
17. CO2 WL Contractors (\$2,000.00)

The following task orders for traffic control at 50<sup>th</sup> Avenue and Bridge Street were approved/ratified by a motion duly made and seconded.

1. TO 4 – AAA Barricade Inc. (\$700.00)
2. TO 5 – AAA Barricade Inc. (\$3,400.00)
3. TO 6 – AAA Barricade Inc. (\$500.00)
4. TO 7 – AAA Barricade Inc. (\$153,550.00)
5. TO 8 – AAA Barricade Inc. (\$152,510.00)

It was confirmed by Brookfield Residential that the following vendor agreements were not approved/ratified.

1. J3 Engineering – Construction Design Services
2. LPDM – Landscape Design Services
3. LT Environmental – Inspection Services

Update on Improvement Certifications and Acceptance

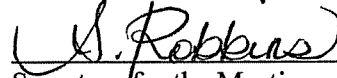
A general update was provided to the Board. It was noted that improvements are planned for winter 2017.

**Other Business**

Adjourn

There being no further business to come before the Board and upon motion duly made, seconded, and unanimously carried, the meeting was adjourned.

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

  
Secretary for the Meeting

The foregoing minutes were approved on the 11th day of September, 2017.

Name	Address	Open forum Item
CLEMENS ✓	162 BLUE <del>St</del>	POOL
Whalen	5373 Royal Pine St	Fracking and enforcement of covenants
Sullivan C. ✓	5525 Royal Pine St	" " "
Hutchinson T.	5557 Royal Pine St	dog waste bags in park
FIERO ✓	5350 ROYAL PINE ST	Pool / NOA Times
Buis ✓	156 so. 45th ave.	NOA Times <sup>Monday</sup> about Sunday / Alleys.
Schaffner	257 Bristlesome St.	Fracking
DAVIS	4615 Crestone Peak	HOA
Ronning	187 Apache Plume Ct.	enforcement, painting issues