

## RECORD OF PROCEEDINGS

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MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
HERITAGE HILLS METROPOLITAN DISTRICT (THE “DISTRICT”)  
HELD  
APRIL 5, 2023

A regular meeting of the Board of Directors of the Heritage Hills Metropolitan District (referred to hereafter as the “Board”) was convened on Wednesday, April 5, 2023, at 5:00 p.m., at the Heritage Hills Clubhouse, 9201 S. Heritage Hills Parkway, Lone Tree, CO 80124. The meeting was open to the public.

### ATTENDANCE

#### Directors In Attendance Were:

Darron Tucker, President  
Bradley Dodds, Vice President  
Todd Griffin, Secretary  
Shaun Seales, Treasurer  
Kevin McClure, Assistant Secretary

#### Also In Attendance Were:

Denise Denslow, Nicholas Carlson and Ashley Heidt; CliftonLarsonAllen LLP (“CLA”)  
Tamara K. Seaver, Esq.; Icenogle Seaver Pogue P.C.  
Mike Crespino; BrightView Landscaping (“BrightView”)  
Chester Gilliam and Bryan Henn; Wizard Works Security Systems, Inc. (“Wizard Works”)  
Carson Besgrove; Merrick & Company (“Merrick”)  
Steve Fromm; Homeowner  
Cristina Epling; Homeowner  
Jerome Dyck; Homeowner  
Melvin and Donna Matthews; Homeowners  
Member of the Public

### ADMINISTRATIVE MATTERS

**Call to Order:** The meeting was called to order at 5:02 p.m.

**Disclosures of Potential Conflicts of Interest:** The Board discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with statute. No additional conflicts were disclosed at the meeting.

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**Quorum, Location of Meeting and Posting of Meeting Notices:** A quorum was confirmed. The Board meeting was noticed as required.

**Public Comment:** Steve Fromm expressed concerns regarding snow removal on the sidewalks and requested invoices for all snow removal activity this season. Mr. Fromm also provided comments regarding striping in the Overlook parking lot and mulch versus rubber mulch.

### CONSENT AGENDA

**April 5, 2023 Agenda**

**Minutes from February 27, 2023 Special Board Meeting and March 3, 2023 Regular Board Meeting**

**BrightView Proposal for Spring Turf Program in the amount of \$5,050.00**

**BrightView Proposal for Overlook Pool Clean-up in the amount of \$2,120.00**

**CDR Construction LLC to Repair Clubhouse Basement Door in an amount not to exceed \$1,000**

Ms. Denslow reviewed the Consent Agenda with the Board. Following discussion, upon a motion duly made by Director Dodds, seconded by Director Seales and, upon vote, unanimously carried, the Board approved the Consent Agenda, as presented.

### ENGINEERING MATTERS

**Merrick Onboarding:** Mr. Besgrove provided an update on the items Merrick is working on.

Mr. Besgrove recommended the Board engage TR Consulting Services LLC to perform a pavement assessment in April. Following discussion, upon a motion duly made by Director Griffin, seconded by Director Tucker and, upon vote, unanimously carried, the Board directed Merrick to engage TR Consulting Services LLC to conduct a paving assessment in an amount not to exceed \$16,500.

Mr. Besgrove reported that he and Director Dodds performed a walk-through of the crosswalks. Following discussion, the Board requested two proposals for correcting the sidewalk grading: one that completely replaces the crosswalk and a second that salvages some of the existing crosswalk.

Mr. Besgrove reported Merrick is trying to contact the City of Lone Tree to see if the detention pond could be used for snow storage.

### DIRECTOR MATTERS

**Security and Gate Matters:** Mr. Gilliam provided an update on the camera system to the Board, noting the upgrades are complete. The Board discussed an inventory of existing cameras, their ability to read license plates and video footage that is captured.

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Mr. Gilliam provided an update on the fob upgrade project, noting that all equipment has been installed except for the pedestrian gates. The Board directed Wizard Works to provide a proposal for replacing the fob reader on the pedestrian gates with a keypad.

Mr. Gilliam reviewed the proposals provided regarding gate arms and noted that repairs are needed on the gate at the Yosemite entrance. Discussion ensued regarding neighborhood access. Following discussion, upon a motion duly made by Director Seales, seconded by Director Griffin and, upon vote, unanimously carried, the Board approved a conditional and phased Task Order No. 5 as follows: The Board authorized issuance of notice to proceed for Phase 5(a) only, and once the installation of Phase 5(a) has been completed and provided it operates to the Board's satisfaction after a trial period of approximately 4 weeks, then the Board will consider approval of the issuance of a notice to proceed for the installation of Phase 5(b). Should a notice to proceed for Phase 5(b) be issued by the Board and provided the Phase 5(b) installation operates to the Board's satisfaction after a trial period of approximately 4 weeks, the Board will consider approval of the issuance of a notice to proceed for the installation of Phase 5(c). The Board clarified it will not be obligated to proceed with Phases 5(b) or 5(c) until and unless notices to proceed for the same are approved by the Board. Mr. Gilliam confirmed his understanding of the Board's conditional and phased approval of Task Order No. 5.

**Dream Makers Proposal for Overlook Park Shade Structure Design:** Director Griffin reviewed the proposal with the Board. Director Tucker recommended adding some park benches or picnic tables to the area this summer. No action was taken.

**Potential Tennis Program:** Ms. Seaver reviewed the Tennis and Basketball Court Rules and Regulations and Personal Services Contract with the Board. Discussion ensued regarding requests received for tennis lessons. No action was taken.

### LANDSCAPING MATTERS

**Updates:** Mr. Crespin provided an update for the Board.

### **Proposals, if any:**

**BrightView Proposal for Edging Repair in the amount of \$23,000.00:** Following review and discussion, upon a motion duly made by Director Griffin, seconded by Director Seales and, upon vote, unanimously carried, the Board approved the BrightView proposal for edging repair in the amount of \$23,000.00.

**BrightView Proposal for Aphid in Fertilizer Treatment in the amount of \$6,450.00:** Following review and discussion, upon a motion duly made by Director Griffin, seconded by Director Seales and, upon vote, unanimously carried, the Board approved the BrightView proposal for aphid in fertilizer treatment in the amount of \$6,450.00.

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**BrightView Proposal for Maintenance on Open Space on S. Lost Hill Drive in the amount of \$5,755.88:** Following review and discussion, upon a motion duly made by Director Griffin, seconded by Director Seales and, upon vote, unanimously carried, the Board approved the BrightView proposal for maintenance on open space on S. Lost Hill Drive in the amount of \$5,755.88.

**Broadstar granular application in shrub beds:** Following review and discussion, the Board directed BrightView to perform the Broadstar granular application in shrub beds.

**BrightView Proposal for 2023 Grub Treatment on Turf in the amount of \$4,596.76:** Following review and discussion, upon a motion duly made by Director Griffin, seconded by Director Seales and, upon vote, unanimously carried, the Board approved the BrightView proposal for 2023 grub treatment on turf in the amount of \$4,596.76.

**BrightView Proposal for Lincoln Entrance Floral Bed Irrigation Upgrade in the amount of \$2,588.91:** Following review and discussion, upon a motion duly made by Director Griffin, seconded by Director Seales and, upon vote, unanimously carried, the Board approved the BrightView proposal for Lincoln entrance floral bed irrigation upgrade in the amount of \$2,588.91.

**BrightView Proposal to Mulch Northeast Side of Heritage Hills Parkway in the amount of \$106,046.73:** Discussion ensued regarding mulch options. No action was taken.

**Pesticide, Herbicide and Fertilizer Recommendations:** Mr. Crespino presented recommendations regarding pesticides, herbicides and fertilizers to the Board. Discussion ensued. No action was taken.

### FINANCIAL MATTERS

**Interim Claims:** Ms. Denslow reviewed the interim claims with the Board. Following discussion, upon a motion duly made by Director Seales, seconded by Director Griffin and, upon vote, unanimously carried, the Board approved the interim claims totaling \$139,431.73.

### MANAGER MATTERS

None.

### LEGAL MATTERS

**Executive session pursuant to Sections 24-6-402(4)(b) and 24-6-402(4)(e), C.R.S. for the purpose of receiving legal advice on specific legal questions and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators related to HOA request regarding District facilities ownership and maintenance:** Following discussion, upon a motion duly made by Director

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Tucker, seconded by Director Seales and, upon vote, unanimously carried, the Board entered into executive session at 7:36 p.m.


Following discussion, upon a motion duly made by Director Tucker, seconded by Director Seales and, upon vote, unanimously carried, the Board exited from executive session at 8:27 p.m.

Following discussion, upon a motion duly made by Director Seales, seconded by Director Griffin and, upon vote, unanimously carried, the Board authorized the engagement of Peter Forbes to complete an analysis regarding District facilities ownership and maintenance in an amount not to exceed \$5,000.00.

### ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

DocuSigned by:  
  
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Secretary for the Meeting