

**MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF
THE WESTOWN METROPOLITAN DISTRICT (THE “DISTRICT”) HELD
FEBRUARY 19, 2025**

A Regular Meeting of the Board of Directors of the Westown Metropolitan District (referred to hereafter as the “Board”) was convened on Wednesday, February 19, 2025, at 6:00 p.m. The Meeting was held via Zoom video conference. The meeting was open to the public via Zoom.

ATTENDANCE

Directors In Attendance Were:

Cindy Baldwin
Breann Bellio
Pam Benigno
Serge Pshichenko
William (“Bill”) Whitney

Also In Attendance Were:

Suzanne Meintzer, Esq. (for a portion of the meeting) and Lisa A. Jacoby; McGeady Becher Cortese Williams P.C.
Jerry Jacobs and Traci McDonald; Timberline District Consulting (“Timberline”)
Diane Wheeler; Simmons & Wheeler, P.C.
Nikki Rickord; Highstreet TCW Risk Management (for a portion of the meeting)
Chase Walker, Nicole Medina and Nathan Grizzoffi; Public

ADMINISTRATIVE MATTERS

Quorum / Disclosure of Potential Conflicts of Interest:

A quorum of the Board was confirmed.

The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential conflicts of interest or potential breaches of fiduciary duty to the Board of Directors and to the Secretary of State. Mr. Jacobs requested members of the Board disclose any potential conflicts of interest regarding 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 potential conflicts of interest were disclosed and it was noted that all Directors are residents of the District.

Agenda:

The Board reviewed the Agenda for the meeting. Following discussion, upon motion duly made by Director Benigno, seconded by Director Baldwin, and upon vote unanimously carried, the Board approved the Agenda.

Location of Meeting and Posting Notice:

The Board entered into a discussion regarding the requirements of Section 32-1-903(1), of the Colorado Revised Statutes (“C.R.S.”), concerning the location of the District’s Board meeting. Following discussion, the Board noted this District Board meeting was held by Zoom. The Board further noted that notice of this meeting and the conference/video access was duly posted and that it

had not received any objections to the format of the meeting or any requests that the meeting format be changed by taxpaying electors within the District's boundaries.

Designation of 24-Hour Posting Location:

Following discussion, upon motion duly made by Director Baldwin, seconded by Director Whitney, and upon vote unanimously carried, the Board determined that notices of meetings of the District required pursuant to Section 24-6-402(2)(c), C.R.S., shall be posted on the District's website <http://westownmd.colorado.gov/> and if the District is unable to post the notice of meeting on the District's website at least 24-hours prior to each meeting, the notice of meeting shall be posted at the following location: Westown Pool; 15430 West 64th, Arvada, CO 80007.

General Public Comment:

Chase Walker discussed tree replacement expenses and suggested the Board consider other options such as soil sampling to determine what is causing trees to die.

Wind and Hail Buyback:

Ms. Rickord with Highstreet TCW Risk Management made presentation to the Board regarding a Wind and Hail Buyback option, noting that with a buyback premium of \$1,500, it would bring the current deductible down from a total loss deductible of \$18,000, to \$5,000.

The following talking points were discussed:

- The Largest asset is the pool and cabana valued at \$930,000.
- A total loss event would require the deductible of \$18,000 paid.
- Cost for wind/hail buyback equals \$1,500 to cap the deductible at \$5,000.
- Policy would include fencing, trees, shrubs, pool, cabana, pergolas, benches, etc.

Following discussion, the Board determined not to move forward with a Wind and Hail Buyback option.

CONSENT AGENDA

The Board considered the following Consent Agenda items:

- Approval of the Minutes of the November 20, 2024, Annual Board Meeting.
- Approval of the Minutes of the November 20, 2024 Regular Board Meeting.
- Ratify approval of Change Order No. 2 to Foothills Facilities Maintenance for the repair of the streetlight at the west end of building 15550, to not exceed \$2,000.

Upon motion duly made by Director Benigno, seconded by Director Bellio, and upon vote unanimously carried, the Board approved the Consent Agenda items.

LEGAL MATTERS

Discuss Parking Rules and Regulations:

The Board discussed amending the Parking Rules & Regulations in Paragraph G.3, Parking in Excess of Forty-Eight Hours. Director Baldwin noted that she was in favor of changing it to 30 days. Director Bellio proposed 72 hours on the streets and 14 days in parking lots.

Matter of Public Interest Comments:

Nicole Medina expressed concern regarding the 48-hour limit for parking due to elderly residents, vacations, etc. She also noted her concern that there is not enough parking in the condo parking area with some units having multiple cars.

Chase Walker also expressed his desire for the 48-hour limit for parking be changed to 72 hours.

Following discussion, upon motion duly made by Director Baldwin, seconded by Director Benigno, and upon vote unanimously carried, the Board accepted Director Bellio's proposal for a change to parking limits to be 72 hours on streets and 14 days in the parking lots. Attorney Meintzer was directed to circulate a Resolution to amend the Parking Rules and Regulation, for final comment by the Board, via email.

Notice of Claim Received From a Condo Resident:

Attorney Meintzer provided information regarding the Notice of Claim received from a condo resident and noted that it was information only at this time as it was not a District matter.

Covenant Enforcement Matters Related to Painting:

Attorney Meintzer discussed with the Board the Townhome Party Wall Agreement and painting matters, at length. It was noted that the Declaration of Covenants and Restrictions of Westtown (the "CC&Rs") names the District as the covenant enforcement entity under Section 32-1-1004(8)(a), but the private Party Wall Agreement does not; therefore, the District does not have authority to enforce the Party Wall Agreement. Attorney Meintzer further discussed the statutory lien process. Following discussion, Directors Benigno and Baldwin determined to contact the Special District Association for further information/guidance.

Adjourn to Executive Session for Legal Advice:

Executive Session was not necessary.

High Plains Landscape and Water Systems LLC ("HPL") Estimate for Solar Lights:

The Board discussed the estimate from HPL for solar light installation on the sidewalk by 15369 W 64th Drive, Unit B. The Board discussed potential safety concerns at this location due to low or insufficient lighting and the cost to mitigate. Attorney Meintzer noted the practical difficulty in eliminating all safety concerns in all areas, and that the District maintained general liability insurance to mitigate against potential liabilities.

Following discussion, upon motion duly made by Director Baldwin, seconded by Director Benigno, and upon vote unanimously carried, the Board determined to add rock mulch to this area to "build up" the void at the sidewalk edge.

Attorney Meintzer left the meeting at this point.

FINANCIAL MATTERS

Payment of Claims:

Ms. Wheeler presented the payment of claims for the period ending February 12, 2025.

Following discussion, upon motion duly made by Director Baldwin, seconded by Director Bellio,

and upon vote unanimously carried, the Board ratified and/or approved (as appropriate), the payment of claims for the period ending February 12, 2025, in the amount of \$73,931.35.

Unaudited Financial Statements:

Ms. Wheeler presented the Financial Statements for the period ending December 31, 2024.

Director Benigno inquired regarding the townhome trash line-item expense vs. the budget. Mr. Jacobs noted he would investigate and respond. It was noted that the District was underbudget overall by \$113,000 for 2024.

Following discussion, upon motion duly made by Director Benigno, seconded by Director Whitney, and upon vote unanimously carried, the Board accepted the Financial Statements for the period ending December 31, 2024.

COMMUNITY MANAGEMENT / COVENANT ENFORCEMENT MATTERS

Community Manager Report:

The Board reviewed the Community Manager Report. No action was required.

Covenant Violation Matters and Community Management Report:

The Board reviewed covenant violation matters, including the status of delinquent accounts referred to Covenant Enforcement Counsel. No action was required.

Landscape and Snow Removal Matters:

HPL Estimate for Condo Landscape Improvements:

The Board reviewed HPL's estimate options for the condo landscape improvement between Buildings 15345 and 15295. Lengthy discussion ensued.

Matter of Public Interest Comments:

Nathan Grizzoffi requested boulders which he would source himself.

Following discussion, upon motion duly made by Director Baldwin, seconded by Director Benigno, and upon vote unanimously carried, the Board approved an option for an approximate amount of \$9,500, under which rock would be purchased from Bellio Environmental Services & Transportation, LLC d/b/a BEST, LLC ("BEST"), but installed by HPL, subject to HPL's agreement to install rock if provided by BEST. The Board did not approve the boulders requested by Nathan Grizzoffi.

HPL Estimate for 2025 Tree Replacements:

The Board reviewed the estimate from HPL for Tree Replacements at a cost of \$9,650, for 7 trees supplied by HPL and 5 trees supplied by Trees Across Arvada.

Director Bellio provided information regarding her conversation with the Arvada Forester and passed along their recommendations.

Following discussion, upon motion duly made by Director Baldwin, seconded by Director Benigno, and upon vote unanimously carried, the Board approved installation of 5 trees sourced from Trees Across Arvada for the interior; 22 shrubs, debris removal and added stump grinding of 4 stumps in the interior. Management was directed to acquire updated

pricing from HPL and to keep Director Bellio involved.

Pool Opening and Other Pool Matters:

The Board discussed the 2025 pool season start and end dates along with food truck options and the potential costs associated.

Following discussion, upon motion duly made by Director Baldwin, seconded by Director Benigno, and upon vote unanimously carried, the Board approved a food truck for the Saturday of pool opening (May 24, 2025), not to exceed \$2,000; a Fall food truck not to exceed \$2,000; and \$1,000 for holiday events. The Pool season will start on Saturday, May 24, 2025 and end on Monday, September 1, 2025.

Document Remediation by NetCentric Technologies Inc. (dba Allyant and or CommonLook) (“Allyant”):

Ms. McDonald presented the Allyant proposal for ADA compliant website document remediation.

Following review and discussion, upon motion duly made by Director Benigno, seconded by Director Baldwin, and upon vote unanimously carried, the Board approved the Allyant proposal in the amount of \$977.10 for specific identified documents to be remediated.

DIRECTOR’S ITEMS

2025 In-Person Meetings:

The Board discussed holding in-person Board Meetings in addition to video teleconference meetings.

Director Bellio expressed her desire for in-person meetings noting that she could arrange for meetings to be held at the local police department.

It was noted by staff that holding in-person Board Meetings would equate to several thousand dollars more per meeting due to consultants’ expenses for travel time.

Following discussion, Director Bellio motioned to hold in-person Board Meetings in addition to video teleconference Board Meetings. The motion was not seconded and failed.

DIRECTOR COMMENTS

Director Baldwin asked about removing support posts for trees that have been in place for many years. Mr. Jacobs noted he would ask HPL to remove them.

Director Benigno thanked Timberline staff for excellent communication with the Board.

Director Bellio requested handicap space striping proposals for the May meeting; and inquired how snow removal communication occurs with the Board, to which Director Baldwin responded. She also reported that she and Director Benigno were attending Neighbors Connected, explaining that last year she was able to get a grant for the community for the Little Library – it was noted that this was not a District matter.

ADJOURNMENT

There being no further business to come before the Board at this time, upon vote unanimously carried, the Board adjourned.

Respectfully submitted,

By *Lisa Jacoby*

Secretary for the Meeting

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VIEWED

05 / 22 / 2025
03:55:12 UTC

Viewed by Lisa A. Jacoby (ljacoby@specialdistrictlaw.com)
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SIGNED

05 / 22 / 2025
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