

**MINUTES OF A CONTINUED SPECIAL MEETING  
OF THE BOARD OF DIRECTORS  
OF  
POMPONIO TERRACE METROPOLITAN DISTRICT**

Held: Monday, March 1, 2021 at 3:00 p.m.

*Due to the Executive Order issued by Governor Polis on April 26, 2020, requiring all residents of the State of Colorado to stay-at-home to minimize the spread and impact of COVID-19, and the Updated Public Health Order 20-28 implementing the Executive Order, issued by the Colorado Department of Public Health and Environment (CDPHE) on April 26, 2020, the meeting was held via teleconference.*

Attendance

The continued special meeting of the Board of Directors of Pomponio Terrace Metropolitan District was called and held in accordance with the applicable laws of the State of Colorado. The following Directors, have confirmed their qualifications to serve, were in attendance:

Rod Mickelberry  
Sara Dieringer  
Marc Volland  
Jen Newman  
Christina Perry

Also present was Zachary P. White, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law; Angela Elliott, Don Cullen, Teleos Management Group; and members of the public.

Call to Order/Declaration  
of Quorum

It was noted that a quorum of the Board was present and the meeting was called to order.

Conflict of Interest  
Disclosures

Mr. White advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. White reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Mr. White inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted. The

participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Approval of Agenda

Mr. White presented the proposed agenda to the Board for consideration. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda as presented.

Public Comment

Homeowner – Colin reported concerns regarding the Comcast subcontractors. Complaints that contractors have not/do not notify homeowners about working on property (backyard, gain access without notice). When homeowner questioned who/why crews were onsite, subcontractors were rude, dismissive. Subcontractors speed and, run stop signs through neighborhood.

Operations/Manager  
Matters

Consider Action on  
Request for Variance from  
Residential Improvement  
Guidelines

Mr. White forwarded the Board the section of the Residential Design Guidelines regarding landscaping (section 3.36) Residential design history and Plant Material and Landscape Minimum Requirements. The Residential Design Guidelines allow artificial turf in the fenced areas.

- Mr. Cullen provided a typical overview of a Project application process, Applicant to submit documents, details and overall project scope, applicant to meet minimum requirements, application submitted to Committee for review, Committee feedback (approval/denial).
- Anne Stearns – claims to have met standard for application and claims that her projects was approved. Timothy Love (HO 6900 Canosa) asks Board to clarify terminology Sod/Turf.
- Homeowners Susan Stein and Kreg Helgrath voiced opinions on their preference for and against the installation of artificial turf.
- Mr. White discussed the following items:
  - Mr. White reiterates the current Design Guidelines for the Pomponio District as: TURF - Bluegrass (or equivalent) is acceptable. Turf areas may not exceed 75% of the non-paved area in the front or rear yard. The recommended minimum width of a turf area is 4 feet. Artificial turf is permitted in the side yards of fenced/walled yards and within side yard use easements

- Rear/Side Yard Guidelines - The use of turf in the rear yard must not exceed a maximum of 75% of the non-paved area. The recommended minimum width of a turf area is 4 feet.

The Board engaged in discussions regarding the live materials guidelines and possibly additional materials to create a more harmonious landscape environment, similar to existing guidelines for xeriscape.

Further discussion followed on granting a variance may place additional criticism and hardship to homeowners that remain on board moving forward. Should the Board grant a variance the applicant will need to go through a process with Adams County in seeking approval for artificial turf.

The Board engaged in discussions that if allowing artificial turf in front yards must meet minimum requirements and conditions (weight, hardness, and aesthetic throughout several years or possible replacement if material becomes worn and unsightly) and the 2 ft. setback from neighboring yards should be included. The Board needs time to identify all of the items or conditions to be considered when allowing a variance for artificial turf.

The Board recommended that applicant submit a new landscape plan with all plant materials included for review within a 45-day period.

### Legal Matters

Consider Approval of License for Private Driveway with Goodwill of Colorado

The Board engaged in discussions regarding homeowner feedback that was submitted to the planning department regarding the driveway.

Homeowner Cardinal opposes the driveway expansion and has concerns with increased traffic, additional lighting (current lights shine into home) and possible decrease in property values.

Homeowner Kreg Helgrath has lighting concerns too. Points to Auto Zone as an example of bad lighting that shines into windows of neighboring homes.

Directors Perry and Newman coordinated a building walk and meeting with staff at Goodwill location. Staff addressed the concerns regarding



the lights, hours of operation, traffic, signage, and security. Further discussion followed on Goodwill had no plans to change or add business hours; existing non lit sign will be moved closer to the loading dock and facing Federal; a new down lit directional sign will be installed on the northeast façade facing the north parking lot which is significantly set back from the homes to the north. An unlit- entry sign will be installed on the southeast side at the new Outlet entrance.

The Board engaged in discussion regarding all building elements are existing. There are no plans to add business hours, increase traffic into back parking lot, the new lights will be “dark sky” lights that reduce light and projected towards the ground. Safety will be enhanced because emergency vehicles can now access area.

The Board further discussed that Goodwill is a good neighbor and is acting in the best interest of the neighborhood and knowing your neighbor is a benefit. Should this driveway be denied Goodwill “may” relocate and the community may have to deal with the unknown of what a possible new property owner plans to develop/ build on that land.

Mr. White reiterated that this approval is NOT the final step to approving driveway expansion. More reviews will have to be approved by the city/county and will be open to public comment and review.

Upon motion duly made and seconded the Board approved the Licensing Agreement subject to legal counsel review and final conditions of lighting, security and noise issues, once Goodwill plans are finalized, and Legal fees incurred by the District to be paid by Licensee.

Executive Session pursuant to C.R.S. Section 24-6-402(4)(b): Conference with legal counsel for the purposes of receiving legal advice on specific legal questions regarding Covenant Enforcement matters.

None.


Other Business

None.

Adjourn:

There being no further business to come before the Board, and following discussion and upon a motion duly made, seconded and unanimously carried, the Board determined to adjourn the meeting.

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

DocuSigned by:  
  
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Secretary for the Meeting

The foregoing minutes were approved on the 14<sup>th</sup> day of June, 2021.

**MINUTES OF A SPECIAL MEETING  
OF THE BOARD OF DIRECTORS  
OF  
POMPONIO TERRACE METROPOLITAN DISTRICT**

Held: Monday, June 14, 2021, at 4:00 p.m.

*Due to the Executive Order issued by Governor Polis on April 26, 2020, requiring all residents of the State of Colorado to stay-at-home to minimize the spread and impact of COVID-19, and the Updated Public Health Order 20-28 implementing the Executive Order, issued by the Colorado Department of Public Health and Environment (CDPHE) on April 26, 2020, the meeting was held via teleconference.*

Attendance

The special meeting of the Board of Directors of Pomponio Terrace Metropolitan District was called and held in accordance with the applicable laws of the State of Colorado. The following Directors, have confirmed their qualifications to serve, were in attendance:

Rod Mickelberry  
Sara Dieringer  
Marc Volland  
Jen Newman  
Christina Perry

Also present: John Simmons, District Accountant, Simmons and Wheeler; Zachary P. White, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law; Angela Elliott, Don Cullen, Teleos Management Group; and members of the public.

Call to Order/Declaration  
of Quorum

It was noted that a quorum of the Board was present, and the meeting was called to order at 4:02 p.m.

Conflict of Interest  
Disclosures

Mr. White advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. White reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Mr. White inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted. The

participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Approval of Agenda

Mr. White presented the proposed agenda to the Board for consideration. Mr. Volland requested to add item under Director Matters 9 c. Fencing Amendment. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda as amended.

Approval of February 22, 2021 Special Meeting Continued to March 1, 2021.

Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Minutes of the February 22 Special Meeting continued to March 1, 2021, as presented.

Public Comment

Homeowner voiced her concern that she just heard about the meeting. The Board directed Management to eblast the homeowners as soon as possible of upcoming meetings.

Homeowners and Ms. Newman discussed the security issue in the community. Discussion followed on Neighborhood Watch, Security patrol cars, cars unlocked and cars in the subdivision without license plates.

Mr. White will research the cost of security patrol used in other Districts.

Operations/Manager Matters

Manager's Report

Managers Elliott and Cullen presented their management report and discussed actions/tasks and meeting that occurred since the March meeting. No action needed.

Review and Consider Action on ACC Application Regarding Use of Artificial Turf in Front Yards

Homeowner presented her revised plan and was seeking a variance for artificial turf in the front yard. Discussion followed on Adams County regulations.

Following discussion, upon a motion duly made and seconded, the Board unanimously approved the variance subject to final approval by Adams County with copy of approval sent to Management.

Financial Matters



Consider Approval of April 30, 2021, financials.

District Accountant Simmons discussed the April 30, 2021, Financial Statements with the Board. Accountant Simmons further discussed that as of April 30, 2021, the General Fund balance was \$64,113, the Capital Fund balance was \$22,479 and the Debt Service Fund balance was \$716,936.

Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Financials.

Consider Approval of Payables and Claims.

District Accountant Simmons reviewed with the Board the Payables and Claims Check # 2002 through Check # 2013, totaling \$30,976.15 for claims paid through May 31, 2021.

Following discussion, upon motion duly made, seconded, upon vote and unanimously carried, the Board ratified the payment of claims through June 7, 2021, in the amount of \$30,976.15.

Following discussion, upon a motion duly made and seconded, the Board unanimously approved the Payables and Claims in the amount of \$30,976.15.

Review and Acceptance of the 2020 Audit Report

Ms. Wheeler reviewed the 2020 draft Audit with the Board, prepared by Hiratsuka & Associates, LLP. Following discussion, upon motion made, seconded, upon vote and unanimously carried, the Board accepted the 2020 Audit subject to District Counsel review and clean opinion from auditors.

### Legal Matters

Discussion re Property Owner Request to Reconsider Goodwill of Colorado for License for Private Driveway

The Board engaged in discussions regarding homeowners requesting the Board to reconsider its vote approving the Licensing Agreement that will increase traffic and lighting in that area that affects 4 homes. Mr. White noted the Licensing Agreement was signed and recorded in the clerk and recorders office. He further explained the District retains the authority to enforce all covenants and right to send notices of alleged violations if Goodwill does not comply. Should Goodwill fail to cure any alleged violation, the District can terminate the Agreement.

The Board directed Mr. White to discuss with Goodwill the concerns the homeowners have raised and send comments back from Goodwill.



Legislative Update: SB21-262 Special District Transparency; HB21-1278 Electronic Meetings

Mr. White summarized the Special Districts Transparency Bill

1. Districts are required to provide the call for nominations in 1 of 5 ways: publication; mailing; inclusion in newsletter or billing statement; posting on a website; or physically posting.
2. Districts organized after January 1, 2000, are required to set up and maintain a website by January 1, 2022.
3. Districts organized after January 1, 2000, are required to file an annual report by September 1 for preceding year.
4. Provide homeowners with a disclosure notice including anticipated fee and tax amounts to newly constructed residences.
5. Prohibition of Dominant eminent domain powers without written resolution from jurisdiction which the property to be condemned is in.

Mr. White discussed HB21-1278 approved and allows districts to continue electronic meetings.

Mr. White will circulate the bills to the Board.

#### Directors' Matters

Review and Consider Approval of Bids for Common Area Enhancements

The Board reviewed the non-plantings bid and discussion followed on the 350 lineal foot crusher fine path and if District has access to improve on this parcel. Mr. White will research and the Board will not pursue the construction of the pathway this year.

The Board discussed eliminating the installation of trash cans on two dog stations and installing gorilla hair mulch on the courtyard beds. The Board recommended moving the trash container to a new location. Cardel Homes will get an estimate on the concrete pads.

The Board reviewed the 2021 plant material installation and discussed the timing of planting in the heat.

Following discussion, upon a motion duly made and seconded, the Board unanimously approved the bids making the above deletions and subject to approval by Ms. Wheeler for spending the \$23,000 over budget and confirming snow removal expenditures for the first half of the 2021 year and trees not to be installed until fall.

Discussion on Layout of Common Area Trash Cans and Dog Stations in Phase 2

The Board requested Cardel Homes to see the landscaping plan for the Townhome areas where the trash cans, dog stations and seating areas are

located in the common areas, in order to avoid moving trash can stations and dog stations once the District maintains these areas.

Fencing Amendment

Homeowners voiced their concerns that 4 homes in the central area have split rail fences but would like the 6' privacy fences. Director Dieringer discussed the Development Agreement specified the location of the split rail and privacy fences. The process would require amending the Development Agreement. Manager Cullen will reach out to Adams County for details.

Executive Session pursuant to C.R.S. Section 24-6-402(4)(b): Conference with legal counsel for the purposes of receiving legal advice on specific legal questions regarding landscape application re artificial turf and Goodwill of Colorado License for Private Driveway.

EXECUTIVE SESSION NOT NECESSARY CAN NOT LINE IT UP – WILL HAVE DONNA FIX

Other Business

Discussion on Potential Return to In-Person Meetings

Following discussion, upon a motion duly made and seconded, the Board unanimously approved to continue electronic meetings.

Adjourn:

There being no further business to come before the Board, and following discussion and upon a motion duly made, seconded and unanimously carried, the Board determined to adjourn the meeting.

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

DocuSigned by:  
*Sara Dieringer*  
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Secretary for the Meeting

The foregoing minutes were approved on the 22<sup>nd</sup> day of Nov, 2021.

**MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS  
OF  
POMPONIO TERRACE METROPOLITAN DISTRICT**

**Held:** Monday, November 22, 2021, at 3:00 p.m.

**Attendance** The special meeting of the Board of Directors of Pomponio Terrace Metropolitan District was called and held in accordance with the applicable laws of the State of Colorado. The following Directors, have confirmed their qualifications to serve, were in attendance:

Rod Mickelberry  
Sara Dieringer  
Marc Volland  
Jen Newman  
Christina Perry

Also present was Zachary P. White, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law; Angela Elliott, Don Cullen, Teleos Management Group; and Diane Wheeler, Simons & Wheeler PC.

**Call to Order/Declaration of Quorum** It was noted that a quorum of the Board was present, and the meeting was called to order at 3:00PM.

**Conflict of Interest Disclosures** Mr. White advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. White reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Mr. White inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest regarding any matters scheduled for discussion at the meeting. No additional disclosures were noted. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

**Approval of Agenda** Mr. White presented the proposed agenda to the Board for consideration. Items 7A Consider Approval of September 2021 financials and 8E Consider Approval of First Amendment to IGA W/Crestview Water and Sanitation will be removed from Agenda, Items have not yet been distributed to board for review in time for meeting. Following discussion, upon a motion duly made by Director Sara Deringer and seconded by



Director Marc Volland, the Board unanimously approved the revised agenda.

**Approval of Minutes  
from June 14, 2021  
Special Meeting**

The Board reviewed the Minutes from the June 21, 2021, Special meeting. Following a review, upon a motion duly made by Director Marc Volland and seconded by Director Christina Perry, the Board unanimously approved the Minutes as presented.

**Public Comment**

NO PUBLIC COMMENT

**Operations/Manager  
Matters**

**Manager's Report**

Ms. Elliott / Mr. Cullen have provided the managers' report in advance for review

- Artificial turf front yard. Homeowner located @6900 Canosa St. requested additional time to seek county approval. Board will revisit issue at next meeting.
- Sump pump water into alley way. Board supports a communication be sent to homeowners/residents (via email, community e-blast, and post on District Website) recommended that homeowners redirect water from sump pump away from alley way into rear yard landscape and or to front yard landscape.
- Weed mitigation – Board supports a communication (via email, e-blast, and District Website) that alternative weed mitigation chemicals have been researched
  - Lack of contractors to provide service
  - Cost prohibitive
  - Not enough information regarding any possible side effects from alternative products available to safely apply.
- DRC Reviews
- Covenant violations

**Consider Ratification of Independent Contractor Agreement with Schultz Landscape, LLC for Snow Removal Services**

Ms. Elliott presented the Independent Contractor Agreement with Schultz Landscape, LLC for Snow Removal Services to the Board. Ms. Elliott advised the Board that the agreement has been secured, and the agreement includes common area sidewalks, alley ways 68<sup>th</sup>, 69<sup>th</sup> and Clay Street, with a 4” trigger. Pending board review to verify and approve slight Following a review, upon a motion duly made by Director Christina Perry and seconded by Director Marc Volland, the Board unanimously ratified the agreement.

**Review Proposals for 2022 Landscape Services**

Ms. Elliott presented and discussed Proposals for 2022 Landscape Services to the Board. Following a review, upon a motion duly made by Director Jennifer Newman and seconded by Director Christina Perry, the Board unanimously ratified the agreement.

**Consider Approval for Winter Watering Services**

Following review and discussion regarding the Winter Watering Services proposals, upon a motion duly made By Director Marc Volland and seconded By Director Christina Perry, the Board unanimously awarded the 2021/22 Winter Water services contract to Davey Tree and directed legal counsel to prepare the agreement for execution.

**Financial Matters**

**Consider Approval of September 30, 2021, Financials**

THIS ITEM REMOVED FROM AGENDA

**Approval of Payables and Claims**

Ms. Wheeler presented the Payables and Claims to the Board. Following discussion, upon a motion duly made, by Director Marc Volland and seconded by Director Jennifer Newman, the Board unanimously approved the payables and claims.

**Conduct Public Hearing on 2021 Budget Amendment**

Following discussion, the 2021 Budget did not need to be amended.

**Consider Adoption of Resolution Amending 2022 Budget**

Conduct Public Hearing on the proposed 2022 Budget and consider adoption of Resolution to adopt the 2022 Budget, Set Mill Levies and Appropriate Sums of Money (enclosed).

**Consider Adoption of  
2022 Budget Resolution**

Mr. White reviewed the 2022 Budget Resolution with the Board. Following discussion, upon a motion duly made by Marc Volland and seconded by Director Jennifer Perry, the Board unanimously adopted the Resolution adopting the 2022 Budget, appropriating funds therefor and certifying 7.522 Mills for the General fund, 47.047 Mills for the Debt Service fund, and 0.000 Mills for the Capital Projects fund.

**Legal Matters**

**Consideration to take  
Action on delinquent fees**

Mr. White Presented the options to take action against homeowner and begin foreclosure process. Following discussion, upon a motion duly made by Director Marc Volland and seconded by Director Rod Mickelberry, the Board agreed to send legal notice to Homeowner and Lender that foreclosure process would begin for property immediately. Director Christina Perry abstained from vote.

**Consider Approval of  
Insurance Policy Renewal  
for 2022.**

Mr. White Presented the Insurance Policy Renewal for 2022. Following review and discussion, upon a motion duly made by Director Christina Perry and seconded by Director Marc Volland, the Board unanimously approved the 2022 Insurance Renewal.

**Consider Adoption of  
Resolution Calling for  
2022 Election**

Mr. White Presented Resolution for 2022 Election. Following review and discussion, upon a motion duly made by Director Marc Volland and seconded by Director Rod Mickelberry, the Board unanimously approved the Adoption of Resolution Calling for 2022 Elections.

**Consider Adoption of  
Resolution Designating  
the Location of Meetings**

Mr. White Presented Resolution for 2022 Meeting Locations. Following review and discussion, upon a motion duly made by Director Marc Volland and seconded by Director Christina Perry, the Board unanimously approved the Adoption of Locations and Meeting Dates for 2022.

**Consider Approval of  
First Amendment to IGA  
with Crestview Water  
and Sanitation District  
for Ownership,**

THIS ITEM REMOVED FROM AGENDA



**Director's Matters**

Discussion and Consider Action re: Periodic Newsletter – Director Jennifer Newman would like to implement a quarterly newsletter. Director Newman to work with Management to identify costs, tools, and topics to be added for homeowners/residents (seasonal events, community notifications, etc.). Following discussion, the Board unanimously approved the plan to move forward.

Discussion and Consider Action re: Action on Little Free Library – Board requests that management obtain estimates for physical library container as well as costs to install (concrete footer, metal post, and location). Following discussion, the Board unanimously approved the plan to move forward.

**Other Business**

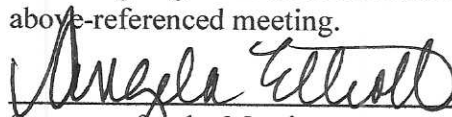
Director Marc Volland seeking board approval to install another Dog Waste Station. Management will seek quotes for both dog waste station as well as a handyman to install (concrete footer, post, cost for container, bags, etc.).

Director Rod Mickelberry announced his retirement at year end and discussed his pleasure in working with the Board and a well-maintained healthy community.

**Adjourn**

There being no further business to come before the Board and following discussion and upon a motion duly made By Director Rod Mickelberry, seconded By Director Marc Volland, and unanimously carried, the Board determined to adjourn the meeting.

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

  
Secretary for the Meeting